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Transcript for Episode 02: Firing Up the Crucible: Gordon Bennett with Senator Lee Metcalf & Governor Forrest Anderson

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[Begin Firing Up the Crucible with Senator Lee Metcalf & Governor Forrest Anderson-Judge Gordon Bennet]

00:00:00

[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.

00:01:19

Evan Barrett: Welcome back to *In the Crucible of Change*. We have a very special guest today, Retired District Judge Gordon Bennet, who came from Northeast Montana and was a confidante and involved in the campaigns in governmental activities of both Senator Lee Metcalf and Governor Forrest Anderson. And he was involved in so many important things that we're so pleased that he was able to join us today and share some of his insights about

Lee Metcalf, about Forrest Anderson, and about what they did politically and governmentally as well as kind of his overall reflections on the political climate of Montana and what's been going on in Montana, not just during the *Crucible of Change*, which we're talking about in this series, but how some of that has applicability today. So Gordon, welcome to *In the Crucible for Change*.

00:02:27

Judge Gordon Bennet: Glad to be here.

00:02:28

Evan Barrett: Now you--you came from Northeast Montana. You came from Scobey.

00:02:35

Judge Gordon Bennet: Scobey.

00:02:36

Evan Barrett: And there's--recently there was a wonderful book out about Northeast Montana that people find hard to believe, but it was called *Red Corner*. And there was some pretty radical politics that came out of North Dakota and in the northeast corner of Montana back in the time of the Depression. I think it flavors a little bit about what went on in subsequent years. And I wonder if you might dive into that a little bit before we move you know too far forward.

00:03:02

Judge Gordon Bennet: I'd be glad to do that. The thing that we should remember is the natural upset that occurred in the 1930s, not only in the corner of Montana but throughout the Middle West and so on, the Agricultural Depression. That gave rise to a generation of people who needed Franklin Roosevelt's admonition that the only thing we have to fear is fear itself. He was talking to the people of Northeastern Montana because the people of Northeastern Montana in the 1930s is essentially--lost hope. And people who have lost hope were very dangerous people.

00:04:13

And it's important to understand how bad the loss of hope was in Northeastern Montana in the 1930s to understand what the politics of 1960 was all about. There was acute desperation; people have to understand that dry land wheat farming is a gamble. It isn't a business. It's like going to Las Vegas. And frequently the game is rigged against the players. That is to say a farmer who plants wheat in the fall or in the spring, he's betting that that's going to come up.

00:05:07

Evan Barrett: That's dry land farming.

00:05:09

Judge Gordon Bennet: And it's going to come up if it gets sun and if it gets moisture. And in 1930 it wasn't getting any moisture and that was compounded by the fact that wheat which is marketing at \$5 or \$6 a bushel today was selling for 25-cents a bushel or lower. So if they did get a crop it wasn't worth anything. And they couldn't get credit. They were bankrupt but people weren't going bankrupt those days. They didn't file for bankruptcy. But you had a whole community, a very large community in Northeastern Montana of bankrupt people and they were desperate.

00:06:01

And you have to understand that--that gave rise to my generation and our generation, we're not anti-government because we not only had the leadership that provided for hope rather than fear, but because it helped farmers with all kinds of agricultural programs that brought them back to life. That influenced my generation; it isn't influencing this generation.

00:06:38

Evan Barrett: Although that--you never know--might change depending on the level of desperation that the middle class starts--has been feeling lately. I was having an interesting discussion about that actually with Bruce Nelson, who you know, and Bruce worked in Governor Judge's offices and with Pat Williams and with Governor Schweitzer and Bruce heads up Farm Service Agency in Montana in the Obama Administration. And he said he was

on a tour of the State discussing the Farm Programs with the farmers of Montana going to 40 or 50 communities and talking about it. And that point you made about--he was making the same point; he said you know the farmers understand that government actually can work for them. With programs today government can work for them.

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He said now sometimes they don't think about how it might work for others, but understand how it would work for them. And so Franklin Roosevelt being the kind of solution seen by folks who were desperate at that time you know--Lee Metcalf came out of that--not from that corner of the State because he was from Stevensville, but he came from that period. You know when he was elected to the Legislature back in the mid-'30s as a 26 year old young lawyer, he was in the flow of the new deal. And that colored his politics significantly, too, don't you think?

00:08:21

Judge Gordon Bennet: Lee--there were a lot of things that Lee didn't understand and was quite vocal about not understanding it. One of those things was when he was the Senator, when he was the United States Senator, Montanans were getting \$2 back from Washington for every \$1 they sent by taxes. He didn't understand that. People--some of the people that were the most adamant, anti-government people he knew were wheat farmers--were taking in a quarter of a million dollars a year of various kinds of farm relief. He didn't understand why those people were so--so mad--mad at him because he represented the government.

00:09:17

Evan Barrett: Uh-hm; the same might apply in the--in the wood products industry. There was a lot of stuff going on where they subsidized the wood products-industry's--the taking of timber was very much subsidized by the US government in a big way. And yet, a lot of the people in that industry thought that Lee Metcalf was the devil. And I think he kind of decided to live up to his reputation with them, too. *[Laughs]*

00:09:50

Now--now when you--you know most of us know you as an attorney; you know an attorney of some note and then ultimately a District Judge, but you started out as a newspaper man didn't you?

00:10:06

Judge Gordon Bennet: Yep.

00:10:07

Evan Barrett: Tell us about that and what was the path that took you from a newspaper person to becoming an attorney and--and increased interest in the political world.

00:10:20

Judge Gordon Bennet: When I graduated from college with a degree in Economics which means I didn't know where I was going.

00:10:32

Evan Barrett: [Laughs]

00:10:33

Judge Gordon Bennet: I spent a winter on the East Coast and had an opportunity to read every day the *New York Times* which is a marvelous--was a marvelous newspaper and is a marvelous newspaper today, by far the best in the world. And I kind of lived with the *New York Times* for about three or four months and decided I was going to be one of the world's great journalists, probably a Pulitzer Prize Winner or write the great American novel or something.

00:11:09

So I went off to the University of Missouri and got a degree in Journalism and went to work for the *Great Falls Tribune*.

00:11:21

Evan Barrett: Which was an independent paper in Montana at a time when most of the major papers were owned by the Anaconda Company, correct?

00:11:31

Judge Gordon Bennet: Yeah; that's right. A very independent paper and a very good--very sound paper, put out by an old guy named [Warden]--well his son was putting it out when I was there but he came from New England. And he kind of was a tell-truth or die guy and they like it; they liked it for the most part on the *Great Falls Tribune* when you were digging--not up scandal but something that was genuine news that they could print.

00:12:11

Evan Barrett: So you were there and in one of our coffee meetings we were having it was mentioned that you had went to a Farm Labor Institute and that kind of fired you up on some things. Tell us about that.

00:12:31

Judge Gordon Bennet: The Farm Labor Institute I think should be remembered by many Montanans as one of the [Eastiest] things that ever happened intellectually in Montana. Generally speaking, people had the idea that farmers used the Montgomery Ward catalog for sanitary purposes in their home in the summer and they read the catalog all winter. That wasn't quite true.

00:13:09

The Farm Labor Institute had farmers there that were intellectually settled as anybody else I've ever heard and terribly well-informed. And they had--they--they worked with the Labor people. And it would surprise many people how cultured many day workers are. They are today and they were then. And these were great intellectual exercises that went on for two days while everybody was heard that wanted to be heard, but there weren't very many nuts in the crowd, but the--the talk, the--the talk was absolutely progressive. It's the only name I know to put on it; it was very progressive. They were looking forward and they were people that are coming out of this generation that I was talking about; that they were people that were interested in change, progressive change, constructive change, and it was where I started thinking a little seriously about public affairs.

00:14:25

Evan Barrett: You know it's kind of a--a continuum in a way of when I was going to college in Minnesota I found that the Democrat Party there was called the DFL, the Democratic Farmer Labor Party. And then as you moved through North Dakota you had the NPL, the Non-Partisan League which was the same coalition of farmers and

workers and that moved itself across the border into Montana and to the Red Corner and then further west in Montana. And so you found it intellectually stimulating to sit there, and is that kind of what just made you think I may want to be a lawyer rather than a writer? Was--

00:15:03

Judge Gordon Bennet: No; no.

00:15:05

Evan Barrett: --was that just a happenstance?

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Judge Gordon Bennet: No; what I concluded there was that there's something very important about public affairs.

00:15:16

Evan Barrett: Yeah.

00:15:18

Judge Gordon Bennet: That it affects us all; it affects every one of us, children, grandchildren, and so on. It affects our daily lives and so on, what--what the public affairs are all about. That's what I--I got interested in--to put it a nice way instead of politics I got interested in public affairs.

00:15:40

Evan Barrett: Yeah; yeah and I think that--that's right. And ultimately when people think too much about politics and the result of politics as policy and public affairs is where that gets delivered.

00:15:52

Judge Gordon Bennet: That's right.

00:15:54

Evan Barrett: So tell us about you--then you did decide to go to law school though. You were urged to by--was it your uncle or someone that said you ought to be a lawyer?

00:16:04

Judge Gordon Bennet: I had an uncle who was a Professor of Law in the District of Columbia. And he thought I ought to be a lawyer and he won the argument after many years.

00:16:17

Evan Barrett: So then you did come back to Montana; thank God that you did because you've actually--

00:16:24

Judge Gordon Bennet: I'm not sure that's the deity that you want to go to but anyway.

00:16:29

Evan Barrett: *[Laughs]* Well you--you've--for many of us you've contributed so much. I am an abashed admirer of what you've done over many, many years.

00:16:39

Judge Gordon Bennet: Thank you.

00:16:40

Evan Barrett: And--and so many of the folks that I've dealt with over the years hold you in the highest regard for your involvement and what you bring to the table. You were--as a young attorney, there was another attorney that was elected Attorney General and that was Forrest Anderson. Now we're going to talk a little bit about him here, starting with the fact that Forrest had been a County Attorney. He had been a Legislator. And he decided to run for the Supreme Court. And he ran in 1950 for the Supreme Court and got beat but then learned some lessons

apparently quite well because he ran again in 1952 and he was elected to the Supreme Court by a rather large margin.

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But he decided he wanted to be Attorney General and in 1956 he ran for Attorney General and was successfully elected there, the first of what were three terms as Attorney General. And tell us about your walking into the office and thinking I might want to go to work for this Attorney General and that--because that's such an amazing story to me.

00:17:53

Evan Barrett: Well I just finished qualifying to be a lawyer in Colorado and in Montana but I was a lawyer without any visible support. That is to say I didn't have a job. I was up in the Montana Legislature just as an auditor and didn't have any funk up there; ran into a friend of mine and he said the Attorney General is looking for assistance and you should go down and talk to him.

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So I went down and talked to the Secretary Miss Jean [Handle] and she introduced me to the Governor and the picture--the first picture I ever had of Forrest Anderson was he was sitting behind his Attorney General's desk and he was scribbling on some yellow foolscap and cussing at the foolscap. He was pretty mad and pretty upset; he was a brand new Attorney General.

00:19:05

And one of the first things that happened to him as Attorney General is a local guy decided that it was important for him to sue all of the oil companies in the country because the prices of--the price of their oil, the price of their gas was the same at every pump. And that was a monopoly he thought. And so he was going public on requesting the Attorney General to sue all the oil companies.

00:19:37

And Forrest Anderson who is a born pragmatist and a very experienced person didn't think much of the idea of the Attorney General of Montana taking on the whole oil industry and he was trying to write it out as a press release. And that's what he was troubling himself with when I saw him first. He interrupted that thing to interview

me quite formally about my qualifications as a lawyer and I thought he was quite clear that he didn't think I was very well-qualified.

00:20:19

So we parted on that and as I walked down the hall, Miss [Handle], his secretary caught up with me and she said, the General, she used to call him the General--the General wants to talk to you. Well I had never--having been in the Army, I never turned down a General on anything. So I went back to talk to Forrest Anderson. And he said, are you one of these ink-spillers? And I said well yes; I've worked in--in the news business. Yeah; well he said this is my problem and he laid out his problem to me. And he said help me out a little with this--with this press release. So I took the whole thing and went in my office and worked out a press release in response to this demand that he sue all the oil companies.

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I laid it on his desk and he read it and grumbled a little and hemmed and hauled a little and didn't say anything about the press release at all. He said come back tomorrow morning. So I came back the next morning and I worked for him for about two years.

00:21:35

Evan Barrett: Yeah [*Laughs*]; well that--you know he was a pragmatist. And he saw that you--he got double out of you. He got young lawyer and experienced writer at the same time, you know.

00:21:46

Judge Gordon Bennet: Yeah; experienced--somewhat experienced journalist and a real tyro of the lawyer, but anyway.

00:21:55

Evan Barrett: Well--

00:21:55

Judge Gordon Bennet: We did the best we could.

00:21:57

Evan Barrett: --so you were with Forrest for a while.

00:21:59

Judge Gordon Bennet: On his pragmatism I'd like to add one thing.

00:22:03

Evan Barrett: Uh-huh.

00:22:04

Judge Gordon Bennet: There came a time early on in his administration as Attorney General when the Korean bonus came, went into the Congress, the first Congress when I was in--with his office. And they passed a law which provided a bonus to everybody who had served in Korea, a State bonus; it was based on cigarette tax and I think that's where they got the money--the cigarette tax. And of course from the other side of the aisle came the objection that it was unconstitutional for the Legislature to do that to just award a particular group for doing something, so on and so there was a--a legal question.

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And Forrest said--came in my office and said write an opinion and say this is constitutional. And I said well just briefly, why is it constitutional? He said four members of those Courts--of the Court are Veterans and there's a couple of others that would like to be Veterans. It's constitutional.

00:23:48

Evan Barrett: [*Laughs*] Oh--

00:23:51

Judge Gordon Bennet: Where upon we found it constitutional.

00:23:53

Evan Barrett: And assumedly it met constitutional muster at the Court level as well. *[Laughs]*

00:24:00

Judge Gordon Bennet: Yeah.

00:24:02

Evan Barrett: Yeah; that's an interesting story about pragmatism. That does reflect it in one straight up episode doesn't it? Well you know we'll come back to Forrest but let's talk about Lee Metcalf for a little bit here, because in 1966 Lee was elected in 1962, his first term of the US Senate and he was up in 1966. And that's the first General Election that is inside this period that we call the *Crucible of Change*, the 1965 to 1980 new progressive era of Montana. It was the first election and it was a very dramatic election because he was running and Lee always had a history of running pretty close races. And he was having to run against the incumbent Governor who decided wouldn't it be nice to be a Senator; Tim Babcock decided to run for Senator.

00:24:58

And that had to be a--a big, big race from a national perspective if you think about it, but think about it inside Montana. He's a sitting Governor running against an incumbent Senator. That's--that's a big ticket item. You were engaged in that race. I like to call you a Campaign Manager. You're always saying you don't like that term, but you were effectively--you and Brett were running that campaign for--for Lee as much as anyone could. Tell us a little bit about that campaign and about working for Lee in that context.

00:25:33

Judge Gordon Bennet: Well Brett--it was Brett England and I was his first assistant. His whole crew came out to help him, the most dedicated bunch of people I've ever seen. Lee was not the easiest guy in the world to work with. He had powerful, powerful instincts, preferences, demands, and so on. But his staff loved him like no other staff I ever saw any place. They would do anything for them--for him.

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All I did was a little coordination work and a little scheduling work and so on. I guess somebody got the idea I was managing it. I'd like to point out that nobody ever managed either Lee Metcalf's or Forrest Anderson's campaigns, but the candidate themselves. Lee--Lee on the--on principles ran the campaign with an iron hand and somewhat to detail. But he left a good deal of the details, the smaller details to all the rest of us and we had a full--full hand.

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So I exercised my liberty in that respect on scheduling him and one morning Lee came in and said you're trying to kill me aren't you?

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Evan Barrett: *[Laughs]*

00:27:13

Judge Gordon Bennet: And he wasn't quite satisfied with the way I had set out his day. But anyway, it was a very workable organization. It was a hard-working organization. They didn't know anything about time. They did what was necessary and took what time there was and put everything they could into it. And both of them shared this one thing and that is they liked to delegate things that could be delegated. And when they delegated something they didn't want to hear any more about it. When they delegated something to you, both of them had the same principle. The reason I'm appointing you or the reason that I'm putting you on that job is you can do it.

00:28:07

Evan Barrett: Do it.

00:28:07

Judge Gordon Bennet: Do it. Do it. And that's what they did. And it was a tough campaign. It wasn't as vitriolic as a lot of these campaigns. There was some humor in it. Lee was fascinated with one thing he thought up all by himself and that was he didn't believe a great many things that Babcock was saying. He didn't want to call him a

liar or anything like that. But on one speech he listed the things that he thought were inaccurate that Babcock was saying and then he'd conclude with just that's Bab-talk.

00:29:04

Evan Barrett: Bab-talk. *[Laughs]*

00:29:05

Judge Gordon Bennet: Bab-talk. And one of his close associates I think who should remain anonymous said Lee that's very funny but it's lousy politics. Cut it out. And he did. He did--one speech. And he was mad at everybody for about two days after that because nobody would let him use Bab-talk. *[Laughs]*

00:29:33

Evan Barrett: Yeah; well I think he was combative by nature.

00:29:37

Judge Gordon Bennet: He was a football player; you know he injured his knee playing football. Everything Lee did he did enthusiastically. He's a tremendous enthusiast.

00:29:52

Evan Barrett: You know when we were talking about how close the races were that when he ran the first time for Congress, in the Primary I think his victory was by 55 votes in the Primary and in 1952 he won by a narrow amount. And then he--yeah; he beat Paul Cannon by 55 votes and then he won by only about 1,500 votes statewide in the General Election. And then he started getting some pretty good results during the latter years in the Congress when he was in the Congress. But when he ran in 1960 against Fjare, Orvin Fjare, who was a former Eastern District Congressman, again in 1960 he ended up winning by only 4,000 votes statewide. And it was a very narrow victory.

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So--so he always seemed to be right on the edge of losing and it--it may or may not have had to do with the fact that he took principled stands on issues. Can you give me your take on that?

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Judge Gordon Bennet: Well I have a--a very strong prejudice take on that--that has immediate application I think. Today we criticize properly so those Congressmen and Representatives and Senators who put first priority on the next election. When a decision is called for they take a hard look at what will happen (in) the next election. They have come to do that because of the influence of money in politics. They have to do that because if they don't do what they're supposed to do they don't get the money for the next election and they don't serve. And there is a little saying that goes around *you can't be much of a statesman unless you can get reelected*. That's a--a great justification.

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Lee didn't quite take that position. Lee's idea was do what's right and hopefully you'll get 50.1 percent of the vote.

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Evan Barrett: Which is what he often was close to. *[Laughs]*

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Judge Gordon Bennet: Which is what he wound up with quite frequently; in other words Lee didn't--that wasn't his first priority at all. He believed in getting reelected, but that had very, very little to do with what stands he took on principle on particular legislation. It had nothing whatever to do with it.

00:32:53

Evan Barrett: I think that's probably why his staff loved him so much but also why so many people I know that--I always idolized Lee Metcalf because I knew he stood for what he stood for and it was usually for the right thing, for the average people, for the working people, for the downtrodden, for the--the natural wonders of Montana; he wanted to see jobs for people. He knew government had a role. In fact, is it reasonable to say that one of the quandaries for Lee for when it was--there was a push for him to run in 1960 for the Senate that he had a hard time coming to the conclusion as many people--automatically if you're in the House you should want to be a Senator--

but people say that he was pretty much on the way to being Speaker of the House. He was that respected in the House.

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Judge Gordon Bennet: That's right.

00:33:55

Evan Barrett: And he kind of gave that up to become a Senator.

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Judge Gordon Bennet: That's right.

00:34:00

Evan Barrett: Did you ever sense any regret that he had because he was doing a great job as a Senator?

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Judge Gordon Bennet: He didn't go around complaining about being a Senator.

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Evan Barrett: *[Laughs]*

00:34:12

Judge Gordon Bennet: But he--he did say that since he was Senator he had great admiration for the founders of this country for providing six-year terms. *[Laughs]*

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Evan Barrett: He liked that.

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Judge Gordon Bennet: He liked that.

00:34:27

Evan Barrett: He liked that yeah. *[Laughs]*

00:34:28

Judge Gordon Bennet: I'd like to add to what I just said with regard to what's going on now. It would have been interesting to see how Lee reacted to the situation that we now have in Washington and that is on any principle piece of legislation of course there are two sides to it. That's the reason they have legislation; that's the reason why they have lawsuits.

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One side or the other is going to be unhappy when you make a decision. When Lee was there if he made decisions that were disagreeable to some folks he had to face the fact that they were going to be against him. But what he didn't have to face is those folks who were against him would not come against him in the next election with \$7 million. That's what they're faced with today.

00:35:31

Evan Barrett: It is a--a daunting challenge for someone and in fact, we do see where it's a standard thing for a huge percentage of the time of an incumbent Senator or Congressman to spend maybe 60 to 70-percent of their time on the phone raising money instead of on the Floor or in the Committees legislating. That's a sad commentary I think on our times.

00:35:59

Judge Gordon Bennet: And it's aggravated of course by the 2010 decision of the United States Supreme Court in something called *Citizens United*. In *Citizens United* the Supreme Court of the United States decided without any constitutional base or precedential--precedential base that corporations are people. The United States Supreme Court breathed life in the corporations and gave them the same liberties and entitlements as people.

00:36:38

Evan Barrett: And money--the spending of money was free speech and so the richer you are apparently the more free speech you have.

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Judge Gordon Bennet: That's right.

00:36:46

Evan Barrett: And maybe in that case it's not free speech; it's maybe paid for speech.

00:36:49

Judge Gordon Bennet: They implemented money as the most important political thing in the whole spectrum.

00:36:56

Evan Barrett: Your reflections on that because Montanans had a Montana solution to that--that started with the 1912 Corrupt Practices Act and continued through some changes in the--in the '70s and then in the--in the early 2000s of we had our solution which was thrown out. What's your reflection on--on the future of that and Montanans clearly are out of touch or disagree with the Supreme Court on this?

00:37:23

Judge Gordon Bennet: Well I think the Supreme Court has already been heard on that more or less. But the Supreme Court isn't going to reverse that at all. They're not going to reverse *Citizens United*. And the way that it's now rigged with another decision that has come down, Montana provision which is still on the books I believe, has been superseded by the Federal--Federal Rule. And there's going to be unlimited money influence until that's reversed. And to get back on the subject, I just--I've wondered from time to time how Lee Metcalf would have handled that because the influence of money is tremendous compared to what it used to be due to that decision.

00:38:19

Evan Barrett: Well back to the '66 race; that was a race where Lee actually did--ultimately won by about 17,000 votes.

00:38:29

Judge Gordon Bennet: That's a landslide.

00:38:30

Evan Barrett: Yeah; and I mean I--I have it down here that he had 138,000 and--and--and Babcock, Governor Babcock had 121,000. So and that was in an off-year election; so that was a big win for Lee.

00:38:47

Judge Gordon Bennet: Lee--Lee was probably wondering what's going on here anyways.

00:38:52

Evan Barrett: *[Laughs]* Do you have any reflections on what caused that win to be that dramatic?

00:39:02

Judge Gordon Bennet: Oh I don't know. We thought it was time for a change *[Laughs]* or time for not a change. I think that--that generation of people that we're talking about just came to flower. Lee was--spoke for them more than nearly anybody except Mike Mansfield.

00:39:31

Evan Barrett: Well two years after that and actually it would have been quicker than that Governor Anderson, then Attorney General for 12 years, decided to run for Governor. And you were involved in that race as well but in some of our discussions you've--I asked you well did he just suddenly decide he wanted to be Governor, and you reflected upon how you thought he wanted to be Governor for a long, long time. He just was picking the right time to do it. Can you tell us a little bit that--some of the early discussions you had with him that gave him the idea that

this was a guy that really would like to be Governor? Was there some reflections about Governor Aronson and the prison as I remember?

00:40:15

Judge Gordon Bennet: Well during his first term while I was still in the office, we had the first prison riot over in Deer Lodge. As you know I go on about this at great lengths but anyway there came a time when nobody seemed to know what to do, particularly the Warden didn't, and the prison itself was under siege, closed to outsiders. They were threatening to kill people in there. They were burning the place down. And the Prison Commissioners consisting of the Governor and the Attorney General and the Secretary of State were all there because we were there to make an annual inspection.

00:41:18

So there they all were and Governor Anderson turned to Attorney General--

00:41:27

Evan Barrett: Or Governor Aronson.

00:41:27

Judge Gordon Bennet: Governor Aronson turned to Attorney General Anderson and said well--he had some-- something of an accent--well you're--you're the Attorney General; you take care of this. [*Laughs*] And I think at that stage Forrest thought well you know if it's that easy to be Governor maybe I ought to be Governor.

00:41:53

Evan Barrett: [*Laughs*]

00:41:55

Judge Gordon Bennet: I don't know that--that was his thinking but my point is that following that, the Governor drove home in the middle of this riot and Forrest Anderson got the Secretary to pick up the phone to the interior of

the prison and said to the first person that he was talking to, I'd like to talk to the guy that's in charge over there. And so he got a hold of the convict that was in charge of the prison.

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And he talked to him for about 15--20 minutes just ordinary conversation, not cussing, not directing, not being Attorney General, and put down the phone and he said I got to go in and talk to these people. The State Highway Patrol people, Superintendent of Highway Patrol said no; you're not. You can't go in there. Forrest said didn't you hear the Governor? I'm the Attorney General. **[Laughs]**

00:43:07

The National Guard people said if you go in there we're not responsible you know. And I think Forrest said that figures, and walked into that prison alone, unaccompanied and went through the prison doors and they closed behind him. And he was in there for about a half--three-quarters of an hour and walked out. It's the bravest thing I've ever seen. But it could be at that time Forrest was thinking well you know if I have to go through all this I might as well be Governor. **[Laughs]**

00:43:47

Evan Barrett: **[Laughs]**

00:43:48

Judge Gordon Bennet: I think along about that time, along about that time--this is his first term as Attorney General; along about that time I wouldn't be surprised if he wasn't--he didn't say anything to me about it--about Governor. I worked with him on the prison thing. But he never said anything to me about running for Governor. What he did talk about from time to time was this government doesn't work. If the Governor, if the Governor wants to do something he has to check with about 100 people. You can't govern that way.

00:44:25

Evan Barrett: And when he decided to run in '68, assumedly the timing was right for him--

00:44:34

Judge Gordon Bennet: Yeah.

00:44:35

Evan Barrett: --and a big part--it seemed to me the recollection was there were two big issues. One was pragmatically we've got to get this government to run which evidenced itself ultimately in Executive Reorganization, and the other thing was the *Pay More What For*, the sales tax thing which had risen in '67 in the Legislature big time and he took that on as the cause. And were those the two big things in the '68 race? You were involved in the campaign in 1968.

00:45:09

Judge Gordon Bennet: Yeah; Governor--the Reorganization was not a pillar in his government--in his political thing.

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Evan Barrett: But it was in his mind.

00:45:21

Judge Gordon Bennet: It was in his mind I'm sure--that's--that was number one priority in his mind.

00:45:26

Evan Barrett: Yeah.

00:45:26

Judge Gordon Bennet: When he was talking about *Pay More What For* he was talking about politics, winning--winning the Governorship. After he got to be Governor I think there was a pretty clear priority.

00:45:39

Evan Barrett: Well when they--of course when the election was held and--and he ran against Babcock and Babcock was openly for the sales tax and the Republican Party was and this was the first evidence of the challenge of that sales tax politically--

00:45:55

Judge Gordon Bennet: Right.

00:45:56

Evan Barrett: --for the Republicans, and it--and they didn't make it, they pulled their horns in--in the '69 Session and didn't bring up the sales tax again in '69 which left that as the playing field for him to put together that very carefully crafted Executive Reorganization combination.

00:46:15

Judge Gordon Bennet: I think so. I think so.

00:46:18

Evan Barrett: You know I mean he put the Constitutional Amendment on the ballot for the 1970 election. He--he got the Bill in there to create the Commission that he was Chairman of. And they started researching. I was part of that staff, wet behind the ears, doing the research.

00:46:35

Judge Gordon Bennet: A lot of young people on that staff.

00:46:37

Evan Barrett: Some really, really talented people were believing that government could make a difference in a positive way and--and did that but he was very strong about how crazy it was to try to make government work without something like that. How--what would be the value of being a Governor? He really wanted to govern didn't he?

00:47:00

Judge Gordon Bennet: That's right; that's right. That's why he wanted reorganization. He wanted to govern.

00:47:06

Evan Barrett: You know. *[Laughs]*

00:47:07

Judge Gordon Bennet: And he figured it out.

00:47:09

Evan Barrett: And--and--

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Judge Gordon Bennet: He had a lot of very able help.

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Evan Barrett: Yeah; yeah there were a lot of--a lot of really good people who were engaged in that effort but were also engaged in his overall administration. You started out in that administration as well; did you?

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Judge Gordon Bennet: Yeah; yeah I didn't make a very large contribution to that at all but I worked with him on it.

00:47:31

Evan Barrett: You know you keep saying that and I appreciate that but all I know is a wet behind the ears young staffer and when the '71 campaign all I know is that I was--is we were advancing the Reorganization after the election in 1970 when the people said *20's Plenty* would work and I was doing this stuff. I was being mentored by

people who knew a heck of a lot and all I know is that people like you and Fred Barrett and Ron Richards would get behind some closed doors and come out with some very interesting decisions on behalf of Governor Anderson, working with him, and that was stuff I had no idea the level of sophistication that was going into the decision-making that was going on. I was learning every minute. And so when you say you didn't have such a role I can tell you from my perspective your role along with Fred, along with Ron, along with the Governor himself, of course in a big giant way along with Duke Crowley. These were--these were giants to me. So you were one of those giants.

00:48:36

Judge Gordon Bennet: I didn't feel like a giant and from time to time Forrest Anderson would say to me, Bennet go stand in the corner.

00:48:44

Evan Barrett: [*Laughs*] Now you mentioned that--that the Governor was the real architect of the policies.

00:48:56

Judge Gordon Bennet: You bet.

00:48:56

Evan Barrett: That he had--

00:48:57

Judge Gordon Bennet: Not only architect but to quite a degree he was the implementer but he relied on some very, very first-class people on planning and organizing and so on. He--he--maybe you'd call it lucky but I think it was shrewd. I think he was a very good choice of people. He had a wonderful bunch of people working for him. Maybe it was just the times. Maybe it was just the people that were there, but I--I always admired his selection of people. He--he knew--he knew people that could do things.

00:49:37

Evan Barrett: Well he did; on the other hand I would bring up that a future Governor, Governor Schwinden served in his full--almost the full four years with Governor Anderson and served with Governor Judge for four years before becoming Lieutenant Governor. And Governor Schwinden in his recollections to me has said that he was sitting on the farm at Tule Creek up there by Wolf Point and within about 40 miles of your family farm and he got a phone call from you that said Governor Anderson wants to have you come down here and be the Land Commissioner. And tell us how that evolved because I think you were doing a little Northwest--or Northeast Montana stuff there weren't you?

00:50:30

Judge Gordon Bennet: No; well no, no, no. I had watched Schwinden for quite a while and mainly I suppose because he was a Northeastern Montana guy but I--my vague recollection is and not to be relied on very much but it seems to me that we were talking one day about people that he was going to select. And I think he said he didn't know what the hell to do about the *[Laughs]*--what to do about the agriculture thing.

00:51:08

He didn't know many farmers and he said you're an old Farm Union guy who--something like that--not intended to be terribly flattering I guess. And I said I think you ought to get a farmer. And he said well, who is a farmer? And I said I think Ted Schwinden has made quite a record down there in the Legislature as somebody that people can trust and rely on and so on. And I think you could trust and rely on him. He said okay; go call him up. I think that's the way it happened. I don't know.

00:51:42

Evan Barrett: Yeah.

00:51:44

Judge Gordon Bennet: Well I know that Schwinden wasn't lobbying for it at all. He--he wanted some time to talk to his wife about it and worried about it and he finally came back and said he'd be interested in it.

00:51:57

Evan Barrett: I think he said in our discussions that you had called and you said now don't take too--. He said I have to talk it over with Jean and the family and figure this out. And you said well don't take too much time because Governor Anderson is rather impatient about these things. Is that likely to be--?

00:52:13

Judge Gordon Bennet: That's likely to be what I said. *[Laughs]*

00:52:16

Evan Barrett: *[Laughs]* And he was not too patient about once he was looking to do something. He wanted it to happen, huh?

00:52:22

Judge Gordon Bennet: That's right; yeah.

00:52:23

Evan Barrett: Now you know when you think about it he got Reorganization done and yet he wasn't the beneficiary of it in the long haul because of his being one term. I think--but I think Alec Hansen in his discussions with us said that in the car with Forrest at one point he said you know I may not be the guy that gets to take advantage of this Executive Reorganization but it's for all the future Governors of this State is what it's for.

00:52:55

Judge Gordon Bennet: That's right.

00:52:56

Evan Barrett: And I think he must have sensed that he was probably not feeling well at the time and he ended up being a one-term governor. Can you give us some reflections on that a little bit?

00:53:05

Judge Gordon Bennet: I think now we're getting into the crystal ball thing but I think his thinking went along these lines. At that time the Anaconda Company was losing interest in running Montana. They along about that time, they sold the lead newspapers--

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Evan Barrett: Sold them in '59; yeah.

00:53:32

Judge Gordon Bennet: --and they became independent.

00:53:34

Evan Barrett: Yeah; yeah.

00:53:34

Judge Gordon Bennet: Along about that time the lobbyists were beginning to restrict themselves to strictly what affected the Anaconda Company and I think mostly taxes is what they were interested in. But they were interested in running the State of Montana anymore.

00:53:53

Evan Barrett: Like they had for 75 years.

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Judge Gordon Bennet: That's right. And they pulled out. And Forrest saw that I'm sure just from conversations with him about here is the opportunity to--for people to get a hold of the State government for the first time. And that I think was one of the things--one of the reasons he was so strong about--why he put such high priority on government consolidation.

00:54:24

Evan Barrett: It was a--it was a marvelously crafted structure that he put together. We've talked about that in another program we did on this. I mean this was really phenomenally well-thought out. But the Anaconda Company clearly had--kind of pulled back a little bit.

00:54:46

Judge Gordon Bennet: Quite a bit I think.

00:54:48

Evan Barrett: Montana power kind of wanted to assume the role a little bit more but they were still playing a role when this was happening and--and for him to--to see this change happening I think was--that's what this *Crucible of Change* is really about is taking us away from the copper collar.

00:55:09

Judge Gordon Bennet: Uh-hm and it could be--you asked me a couple questions ago when he started thinking about being Governor. Whenever that was I think he was also looking at when the Anaconda Company was going to be true governing.

00:55:27

Evan Barrett: Uh-hm; the structure of government, the--the archaic confused, diffused structure of the Executive Branch where as you said you'd have to talk to 100 people to get something done, served the interests of--of the outside external powers.

00:55:48

Judge Gordon Bennet: Divide and conquer.

00:55:50

Evan Barrett: You know if the government couldn't be strong and aggressive under a Governor then who is going to get in your way if you're in control from the outside? And I think you know we have talked a bit about things like

all--most of the Bills in the Legislature were written by Anaconda Company attorneys for--. I remember Gene Tidball saying that when he became the head of the Legislature Council he was--he found there were four copies of every Bill and he knew where three of them went and he couldn't figure out where the fourth one went. And he sent his staff to work finding them and finally they came back and said now we've found out where the fourth copy of all the Bills went. Said where was that? It went to the Anaconda Company.

00:56:30

Judge Gordon Bennet: Sixth floor of the Hennessy Building.

00:56:32

Evan Barrett: Yeah; yeah.

00:56:34

Judge Gordon Bennet: It went--yeah.

00:56:34

Evan Barrett: Yeah and that's kind of amazing. So he basically--we--we got one term. Would you just very--and we're about to run out of time, but--but health took over. As much as he would have liked to have been Governor, he had some serious health problems that precluded that.

00:56:49

Judge Gordon Bennet: Very serious; very serious, painful, painful.

00:56:56

Evan Barrett: Yeah; so he--he ended up saying okay. I'm one term but I've done something big for future Governors. Did he--did he feel that?

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Judge Gordon Bennet: I think he--he not only I think will clearly get full credit for Government Reorganization; I think also that he should get a good deal of credit that is going to be hard to qualify and that is behind the scenes he was working on the Constitution all the time, but he didn't want people to know that because he agreed with Grable and some of the other people that came up with this brilliant idea of having the constitutional people sit alphabetically--

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Evan Barrett: Alphabetically yeah.

00:57:52

Judge Gordon Bennet: --rather than by Party. He thought if he got in--into the Constitution--into the constitutional thing it would make it partisan.

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Evan Barrett: Well good; he was very forward looking.

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Judge Gordon Bennet: He stayed out of it but he--he was working all the time on the Constitution thing. I happen to know that because I had a relative on the Constitutional Convention and she said, the Governor seems to be very much interested in this. *[Laughs]*

00:58:19

Evan Barrett: Yeah; well we're running out of time. This has been a very fast hour and a fascinating hour and your reflections are phenomenal. They're going to be a useful addition to our--our whole discussion of this period of time *In the Crucible of Change*. So Judge Gordon Bennet thank you very much for what you've done for Montana and your role in this series.

00:58:41

Judge Gordon Bennet: Thank you; thank you for the flattery. It was all my pleasure. Thank you very much.

00:58:46

Evan Barrett: Okay and we'll be back next time.

00:58:47

Judge Gordon Bennet: Yep.

00:58:49

[*Music*]

00:59:00

[End Firing Up the Crucible with Senator Lee Metcalf & Governor Forrest Anderson-Judge Gordon Bennet]