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## AN EPIC DEBATE

**Greg Jergeson**

Probably the primary reason that Dorothy Bradley chose to seek election to the Montana House of Representatives as a Democrat from Gallatin County in 1970 was the environment. Representative Bradley caught a great deal of attention for a number of reasons. She had been elected to the House from Gallatin County, which was as rare as a woman getting elected to the legislature. Meaning seldom, almost, but not quite never. But there she was, a female Democrat from Gallatin County. Dorothy was striking, intelligent, and articulate. She was unafraid to take on some tough issues. For example, she opposed building Interstate 15 in the canyon between Boulder and Butte, preferring that it run due south, intersecting with Interstate 90 at Whitehall. This battle earned her the long-term enmity of the “Boys from Butte,” and it was a battle she lost. Her issue in the matter was the environmental impact and cost of a four-lane highway in a narrow, winding canyon. The “boys” issue was traffic being forced through Butte and the attendant economic advantages to that community as a result.

By the early 1970s, there had been proposals to turn Eastern Montana, at least that part near the vast coal fields in the region, into a huge boiler room for the rest of the nation. Envisioned were numerous, huge mine-mouth generating plants using coal as the fuel for generating electricity. Huge transmission lines would carry the output to the nation’s urban areas where the demand for electricity was growing exponentially. While there can be debate about how large or serious this would all turn out to be, it proved to be startling to many of the ranching families in Southeastern Montana who saw such development as likely to unalterably change their way of life. Strip mines were a startling new development, literally turning large areas of land upside down. Colstrip Units 1 and 2 were behemoths. Local ranchers inevitably saw an inexorable march to there being hundreds, maybe thousands, of such developments in the region. And no room for them and their livestock operations.

From that maelstrom emerged the Northern Plains Resource Council (“NPRC”) as the ranchers concerned with the impending changes joined together to resist those changes and to preserve their way of life. One of their more notable early leaders was Wally McRae. A cowboy’s cowboy, Wally had the bearing of the Marlboro Man. As one of the more accomplished “cowboy poets” in Montana, he emerged as an articulate spokesman for this new organization. Born and raised a Republican,

Wally McRae considered his response to the newly emergent coal and electricity industry as fundamentally and logically “conservative.”

Though innately conservative, in the classical sense of the term, this group of ranchers found few allies among the political “conservatives,” i.e., the big business Republicans for whom conservatism was measured by their adherence to the persuasion of the mining industry and the state’s largest utility, the Montana Power Company (“MPC”). MPC had built Colstrip Units 1 and 2 and they owned and operated the mine-mouth coal strip mine nearby that fed the generators. MPC owned a good share of the electricity transmission capacity in Montana and they proposed to build more: more mines; more generating units; more transmission lines. As a consequence, MPC put a corporate face on those proposals to forever change the nature of Eastern Montana the same way Scrooge put a face on greed.

Not finding much support for their cause among those they had assumed would be their natural allies, Wally McRae and the rest of the NPRC members found strong support from the emerging environmental movement in Montana. Thus was born the loose-knit alliance between NPRC and environmental organizations like the Environmental Information Center (“EIC”). And that alliance found fertile political grounds in the new Democratic majority in the Montana House of Representatives during the 1973 legislative session. That led them to Democrats like Francis Bardanouve of Harlem and Dorothy Bradley of Bozeman. But it wasn’t just Democrats. There were some allies among Republicans like Representative Hal Harper from Helena, Senator George Darrow from Billings, and others.

Books like *Lines Across the Land* by Vic Reinemer, a close associate of United State Senator Lee Metcalf, also contributed substantiation to the sense that Eastern Montana was destined to be the “boiler room” for America. Among the NPRC ranchers, environmentalists and their allies in the legislature, a very definite sense was born that too much was happening too soon, that Montana’s environmental and growth statutes were not adequate to protect Montanans from the boom and bust cycles that saw their ultimate expression in the fate and consequences of the hard rock mining industry in Butte.

In the midst of this growing concern, Representative Bradley and some of her legislative colleagues, along with her allies in the environmental and Southeastern Montana ranching communities, argued that things needed to be slowed down until sufficient safeguards were in the law. As a consequence, she introduced HB 492 which proposed to impose a moratorium on the issuance of any further “coal strip mine” permits until

a comprehensive study could be completed to assess the situation and the adequacy of Montana laws and regulations.

While other major environmental measures with greater significance and impact were considered and passed during this session, such as the Major Facility Siting Act and the Montana Environmental Policy Act, Dorothy's HB 492 became the focal point for a classic debate between the proponents of unfettered development and those who championed environmental and social protections for Montana and its people as development inevitably occurred.

In any case, a mighty battle ensued. Representative Bradley succeeded in getting her bill approved in committee and it was scheduled for second reading debate on the floor of the House. Speculation was that the vote on the floor of the House would be close. No one was sure of the outcome because there was considerable uncertainty about how members of the center quintile, that I was beginning to identify in my study I had prepared as a Legislative intern, would break on the matter. Most Democrats were expected to vote for it, most Republicans against. How would the center break? Would the floor debate be decisive?

Both the proponents and opponents of HB 492 spent a good deal of time strategizing for that debate. Clearly, Representative Bradley would open the debate on her own bill. She and her allies made a determination of the order by which proponents would speak, and anticipating who would make the opposing arguments, what those arguments would be, and who would be best to refute them. No doubt the opponents were making the same kind of calculations.

The floor debate finally began. As was customary, Dorothy as sponsor of the bill made her opening remarks to the House. Now, while Dorothy Bradley was always a compelling personality, early in her career her speaking style was a bit wooden. She was always earnest, direct, and thorough. Such was the case on this day. After Dorothy's opening, a number of legislators rose to speak. It became obvious that this would not be a short debate. Some of those who spoke became so wrapped up in their arguments that they reached the five-minute House limitation on second reading debate. Others, who didn't plan to speak, would stand up to grant their five minutes to those who had not completed their remarks within the allotted time.

The debate raged. Proponents and opponents took turns offering their arguments and perspectives on the topic at hand. As the debate went on, progressively more senior members of the House rose to offer their remarks. There were no surprises, few of those who had not made their positions known earlier made big announcements. There was a general expectation that, near the end of the debate, three or four of the more senior

members of the House—members who could move votes one way or the other—would speak. After their remarks, Representative Bradley would then briefly close.

True to form, when Representative Francis Bardanoue (D-Harlem) rose to speak, everyone knew that we had reached that point where the most senior members would have their say. Naturally, given my family's situation as erstwhile supporters of Francis from his first election, I was enthralled with all he had to say. To me, he spoke eloquently of the land he loved, where he raised his crops and livestock. From that, he spoke of his kinship with the concerned ranchers from Southeastern Montana and the enormous concern they felt about an uncertain future. I thought to myself, "wow, surely nobody can exceed the oratory just delivered by Francis." I was wrong.

Because next, Jim Lucas (R-Miles City) rose. Even though he was politically battered and bruised from having championed the Sales Tax while he was Speaker of the House in 1971, and having seen the voters overwhelmingly reject that proposal at the polls, Jim Lucas was still a major presence in the House and legislature. He was smart, he was canny, he was a successful attorney, and he was definitely a gifted orator. Heads turned to listen when he spoke. Though I didn't agree with Representative Lucas' position that day, I and the other interns were in total awe as he spoke. Representative Lucas made all the classic arguments about business development, and how there should not be obstacles placed in its way.

Clearly, he saw the moratorium as an obstacle. And his oratory soared. Then he turned to the topic of the study that was included in HB 492. Microphone in one hand and a six-inch pile of documents in the other, Jim Lucas began to talk about all the studies that had been done on a variety of topics related to the coal industry. With a flourish, he pronounced that we had had enough studies and didn't need any more. Then he pulled his hand from beneath that pile of documents. While I'm sure that those papers fell to his desktop with a thud, many of us watching that day could swear that they gently floated down and landed softly on his desk surface. His oratory had soared, his final theatrics were his exclamation point. And he sat down.

Holy cow! How could anyone beat that? Then Representative John Hall (D-Great Falls) rose. John Hall served that session as House Majority Whip. He was known as a brilliant attorney in real life and a bit of a recluse, living alone in Great Falls. He was also known for his passion for model trains, he reportedly had a fantastic model rail network in the basement of his home. From my vantage point as a student intern, John always appeared to me to be somewhat stern of demeanor.

In that epic debate that night on HB 492, Representative John Hall delivered a spontaneous declamation on Montana's storied history of boom and bust cycles, false promises of riches for all inevitably lead to the forces of exploitation enjoying the riches, while Montana resources and people suffered the consequences of unbridled exploitation. Though his oratorical style was distinctly different from Representative Lucas, the power of Representative Hall's delivery on behalf of HB 492 was every bit the equal of Lucas.

When he sat down, we legislative interns began to whisper among ourselves that surely we had just witnessed the Montana equivalent of the Clay-Webster debates in the early days of the American Republic that helped shape our national character. We assumed that the Lucas-Hall debate was the climax of that day's debate by design and that Representative Bradley would then quickly close and the members of the chamber would vote.

However, not every one of the 100 members of the House were fully attuned to the cadence and tempo of these kinds of major debates. Such was the case with Representative Jerry Lombardi (D-Butte). Now Representative Lombardi was classically one of the boys from Butte. He was a really nice guy, he cared deeply about his constituents, and he generally followed the lead of his colleagues from the Sacred City of Butte such as Representatives Joe Quilici and J.D. Lynch. While Joe and J.D. had spoken their piece before the Lucas-Hall matchup, Jerry demonstrated a bit of a tin ear to the significance of what we had just witnessed in that matchup. Jerry rose and repeated the arguments previously articulated by Quilici and Lynch to no apparent effect on the membership in the House. It's not that his remarks or delivery were bad or inappropriate, they were just totally anti-climactic.

Representative Dorothy Bradley briefly closed on her motion that HB 492 do pass. That night, on February 15, 1973 in the House, it did, narrowly. The second reading vote was 50–49 with one democratic member absent. Seven Republicans joined with 43 Democrats on this vote, while ten Democrats voted no with 39 Republicans. The seven Republicans were clearly among the more centrist, even progressive members of the Republican caucus. The ten Democrats included five of the “boys from Butte,” and two from the Anaconda area.

And then the pressure was on because the vote had been close enough that not many votes would need to be changed in order to kill the bill on third reading. When HB 492 came up on third reading on February 18, it went down by a vote of 49 to 50, with Republican Wallace Forsgren from Bozeman changing from yes on second to no on third. A day later,

Representative Gorham Swanberg (D-Great Falls), one of the ten Democrats voting against HB 492, moved to reconsider the defeat of HB 492 the previous day. That motion carried 52–47. Representative Tom Towe then moved that HB 492 be scheduled for third reading on the 59th day. That motion carried.

This maneuvering clearly was an admission of defeat because the 59th day would be one day before the end of the session and HB 492 would also have missed the transmittal deadline. But, at least technically, it would have remained alive. Perhaps it could be kept alive to carry over until the next annual session to convene in January 1974.

On the 59th legislative day, Representative Bradley, sensing impending defeat of her bill on third reading, moved to re-refer HB 492 to the Judiciary committee, probably hoping to keep the bill technically alive for the next annual session. The Speaker ruled that her motion had passed, but Representative Sonny Lockrem (R-Billings) requested a roll-call vote and the Bradley motion failed with a vote of 38–61.

A short time later that day, HB 492 failed on third reading by a vote of 62–35. Obviously, several more legislators had been persuaded during the period to switch from yes to no.

Representative J.D. Lynch (D-Butte) rose on motions and moved, having voted on the prevailing side, that the House reconsider its action in killing HB 492. He explained that he would vote against his own motion which he subsequently did, and urged everyone else to vote against the motion to reconsider. When the motion to reconsider failed on a 37–58 vote, that meant that any attempt to resurrect HB 492 would require a two-thirds vote, an impossible barrier. As a consequence, HB 492 was then definitively dead for the remainder of the session.

We will never know whether J.D.'s role in the burying of HB 492 was a matter of principle, a way to prolong a feud with Bradley over the route of the Interstate, or simply a manifestation of his penchant for political opportunism.

While HB 492 was defeated, an argument could be made that the fierce debate over the "moratorium" cleared the way for the relatively easy passage of the Major Facility Siting Act (HB 127, Bardanouve), the Strip Mine Reclamation act, and the Montana Environmental Policy Act, or the bills strengthening those acts.