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THE SENATE DEMOCRATIC CAUCUS OF 1975

Thomas E. Towe

There were a number of us Members of the House of Representatives who were really upset with the Senate in the 1973 and 1974 sessions. Even though the Democrats had a 30 to 20 majority, all the good bills were getting killed in the Senate. I was especially upset because my coal tax bill and my fair value bill regarding utility rates both passed through the House but were then killed in the Senate. And many other bills—environmental bills, education bills, public health bills, and other good liberal legislation—were stopped in the Senate.

Consequently, at least 11 Democratic House Members decided to run for the Senate. In addition to myself, Larry Fasbender, Dick Colberg, Mike Greely, Bill Norman, Bob Watt, Jack Healy, Sandy Mehrens, Bob Lee, Pat Regan, and Joe Roberts, all ran for the Senate *and were elected*. Five more, Chet Blaylock, Don Foster, Margaret Worden, Miles Romney, and Max Conover, all of whom served in the Constitutional Convention, also ran for the Senate and were elected. Finally, we were joined by six newly elected Senators, at least three of whom we thought we could count on, namely, Gene Citrone, Greg Jergenson, and Terry Murphy. That totaled 19 out of the 30 Democratic Senators.

The number of carry over Democratic Senators (“Old Timers”) was only eight—Carroll Graham, Dave Manning, Neil Lynch, Gordon McOmber, Cornie Thiessen, Paul Boylan, Jack Devine, and Elmer Flynn. The other three new members, whose political leanings were uncertain, were Ann Seibel, John Manley, and Richard Smith.

Immediately after the election, when we realized how many new Senators had been elected, Larry Fasbender and I started calling the newly elected Senators. I talked to every single new Democratic Senator Elect. We felt pretty certain of 19 votes on our side. That made it 19 for us and 11 for the Old Timers and those whose votes we could not count on.

Well before the official caucus, Larry Fasbender, from Fort Shaw, Bob Watt, from Missoula, and I suggested we should get together and plan some strategy. We concluded that we would have the most impact by getting the chairmanships of some of the major committees. And, of course, it would be helpful to have control of the Committee on Committees so we could control who sat on each of the committees.

I had the key to the House Taxation Committee, Room 437, and I suggested we contact a few of the new Senators and meet there on Friday before the official Democratic Caucus to plan some strategy. By then, we pretty much agreed we would not insist on challenging the leadership

positions of president and majority leader. Gordon McOmber wanted to be president and Neil Lynch had been majority leader in the past session. But we wanted all the chairmanships, except Agriculture and Highways. Larry Fasbender had been in contact with Neil Lynch, so I was not surprised when most of the Old Timers also came to the meeting. I was absolutely astounded when 21 of the 30 Democratic Senators showed up—all but nine. Both our new freshmen Senators and the Old Timers were well represented.

As we all congregated around the big Taxation Committee table between about 8:00 to 8:45 that Friday evening, we commenced by reading out a list of the chairmen we were proposing. They included Bob Watt for Taxation, Mike Greely for State Administration, Chet Blaylock for Education, Pat Regan for Business and Industry, Bill Norman for Health and Human Services, and myself for Judiciary. All of us were freshmen Senators; we had never served in the Senate before. That got the attention of the Old Timers. Dave Manning, the Dean of the Senate who had been there longer than anyone—by the time he left the Montana Senate, he was the longest serving legislator in the United States—was visibly upset.¹ He said, “But you are only freshmen. Freshmen don’t get to serve as chairmen of a committee. You are going too fast.” Carroll Graham was even more upset. He argued, “You are breaking with tradition.” He suggested this was something that we leave up to the Committee on Committees.

But we persisted. We had a majority of the 30 votes in the Caucus, *and they knew it*. Neil Lynch then went through the list again one at a time and they concluded they could live with all but two of our choices. They objected to Chet Blaylock on Education and Pat Regan on Business and Industry. The Old Timers wanted Paul Boylan for Education and Jack Devine for Business and Industry.

They started out with Business and Industry. Dave Manning looked right at Pat Regan and said, “We don’t want to go too fast on these things, do we, Pat? Wouldn’t you be satisfied this time with a vice chairmanship instead of a chairmanship?” Pat Regan retorted with a forceful, “No.” And she stood up and made a convincing argument as to why she should be chairman. Jack Devine then got up and stated: “I have served in the Legislature in both the House and the Senate for four years and I have never been a chairman of a committee.” He pointed to the fact that he was a businessman and very interested in business matters. He

1. Dave Manning also had voted against my coal tax bills twice. In point of fact, however, he later converted to one of my strongest proponents for a high tax. As a great proponent of highways, he would often say, “The coal companies told us that with that high a tax, the coal companies would all leave the State. I told them, maybe so, but at least you will leave on good roads.”

concluded by saying that he thought he should be entitled to the Chairmanship of Business and Industry.

When it came time for questions, I asked him about his record on the utility bills. Utility bills generally go through that committee. He said, "I have supported some of your bills and opposed some." But his record was well known. He voted against my Fair Value Bill (HB 121 in the 1973 session) and other important utility legislation.

Next we turned to the Education Committee. Chet Blaylock gave a pitch of why he, as a teacher, should be chairman. Paul Boylan then explained why he should be chairman; he said he had never been chairman of that committee in all the years he had served in the Senate and thought he deserved it. After he sat down, Chet asked him what he thought about teacher collective bargaining legislation. I could tell by the way that Chet was acting that he was about to give in. He was ready to indicate that, if they would accept Pat Regan for Business and Industry, he would yield to Paul Boylan for Education. However, Paul Boylan made a grievous mistake. He said one of the reasons he really wanted to be Chairman of the Education Committee was because he had spent a lot of time working with a committee of the School Board Association, and he was in a good position to use his knowledge and understanding on the teacher collective bargaining legislation. That was the wrong thing to say. The School Board Association was against what the teachers wanted. Chet became very determined at that point and would not give up. Although there was no agreement, it was pretty obvious that Paul would lose.

Although we left the meeting without a consensus, it was pretty well understood that we would get our chairmanships, except Agriculture and Highways; and, in exchange, we would support Gordon McOmber as President and Neil Lynch as Majority Leader.

Paul Boylan was unhappy and took his displeasure to the newspapers. He blasted the Senate Democrats for conducting secret meetings and secret caucuses. I responded that it must not have been too secret because he was able to attend. I added that the reason he was upset was because he did not have the support for President of the Senate that he had hoped to have, and he did not even have enough support to be appointed chairman of the committee he wanted.

Although we did not have full agreement nor anything signed, it was generally understood we would have two of the three Committee on Committee positions and the Old Timers would have one. Carroll Graham was to represent the Old Timers and I was to be one of the freshman legislators' choices. Then we made a wise choice for the second position, namely, Miles Romney. Miles had served in the House before he was a delegate to the Constitutional Convention and was appointed to the Senate

in 1973. So he was not considered one of the freshmen upstarts. However, in principle, he was 100 percent behind us on virtually all progressive legislation. At the official caucus, John Manley was also nominated by some of the disgruntled Old Timers. However, Carroll, Miles, and I easily won the election. I was quickly chosen as chairman, and Miles indicated I should go ahead and do whatever I thought best and he would go along with it.

When we finally did meet, Carroll Graham did not object to the chairmanships that I proposed because it was generally agreed that we would keep our part of the bargain and not interfere with Gordon McOmber as President or Neil Lynch as Majority Leader. Thus, we appointed Pat Regan as Chair of Business and Industry, Chet Blaylock as Chair of Education, myself as Chair of Judiciary, Bob Lee as Chair of Labor and Employment Relations, Bill Norman as Chair of Public Health, Welfare and Safety, Mike Greely as Chair of State Administration, and Bob Watt as Chair of Taxation. Every single one of us were freshman Senators and had never served in the Senate before. Then we appointed Miles Romney as Chair of Local Government. We did appoint Cornie Theissen as Chair of Finance and Claims, but we made Larry Fasbender Vice Chair and he turned out to be a strong counterbalance to that committee. We also appointed Elmer Flynn as Chair of Natural Resources and Fish and Game, and Richard Colberg as Vice Chair.² So, with the possible exception of these last two, we held control of the nine most important committees in the Senate. We did give Carroll Graham Agriculture, Dave Manning Highways, and Jack Devine Bills and Journal, plus the Majority Leader always chaired Rules and the President chaired Legislative Administration. The last three were considered administrative committees and, with the possible exception of the Rules Committee, they had no policy-making authority.

Our concerns did not stop at the selection of chairmen of the major committees. We reduced the size of the committees so that, with a few exceptions, each Senator would serve on only two of the major committees. With the exception of Finance and Claims and a few others, we held the committees to no more than eight committee members. Also, I wanted to eliminate the overlapping committee meetings schedules. I had been very frustrated to appear with my House bill in a Senate Committee, have to wait for a long time for the Committee to get a quorum, and then lose

2. Because of the structure and the subcommittees of Finance and Claims, and because of Larry Fasbender's strong influence, Finance and Claims was probably okay. We thought Elmer Flynn as Chair of Natural Resources would be okay because, except for subdivisions, he was pretty good on environmental matters. We may have made a mistake here.

the quorum shortly thereafter when some Senator had to go to another committee meeting. I was surprised to learn that many, if not most of the Senators were assigned to two or more committees that met at exactly the same time. It was highly inefficient. So, I sat down and re-arranged the meeting times and the committee membership so that, for the first time, no Senator had overlapping committee meetings.³ This was a huge improvement. These two improvements—smaller committees and no overlapping of committee meetings—allowed me to reject a number of suggestions from the Republicans.

Frank Hazelbaker, the Minority Leader, submitted his proposed committee assignments for the Republicans. He suggested that we should automatically accept his proposals because the Minority Party should be able to pick and choose who they wanted on the committees. I disagreed. In fact, I could not agree with many of the committee assignments he proposed because they would seriously weaken some of the most important committees. I was well aware that we only had 19 votes we could count on; and with most of the Old Timers, and sometimes with help from some of the Butte legislators, the Republicans could still stop most liberal or progressive legislation. However, if we could get good legislation out of a Committee with a “do pass” recommendation, we had a huge advantage and the legislation had a good chance of survival. Because of reducing the size of most committees to eight and adjusting schedules so there was no overlapping of committee meetings, I could rightfully explain that we simply could not accommodate all of the Minority Leader’s requests. I made sure, with one exception, that any Senator who served on more than two major committees would be one of our 19.⁴

The taxation committee was a huge problem. Because of seniority, I could not do much about a number of both the Democrats and the Republicans on the committee whom I could not count on to vote for progressive legislation. Thus, I was stuck with Bill Mathers, Gene Turnage, Dave Manning, Gordon McOmber, and Allen Kostad. Jack Healy, from Butte, who had moved over to the Senate from the House, was not solid on our legislation. But he had always been on the Taxation Committee in the House, and even chairman one session, and really wanted to serve on the Taxation Committee. So I had to appoint him.

3. I missed one Senator. Mark Etchart was on Finance and Claims and on Labor and Employment Relations, both of which met at 8:00 am. It was an oversight on my part.

4. We made an exception for Paul Boylan who was adamant about keeping his position on the Finance and Claims Committee as well as Agriculture and Education.

I could count the votes in the Taxation Committee on the coal tax bills because I knew how they had voted in the past, and we were two votes short. I was able to solve one vote by suggesting that President Gordon McOmber be an ex-officio member of Taxation to retain his seniority, but he would not have a vote. He agreed. I was still one vote short. I had no choice but to remove Allen Kolstad, the Republican with the least seniority, and replace him with Bob Brown. I traced Bob down by phone and found him in Idaho participating on a work crew of some sort. I asked him how he felt about the committee assignments Frank Hazelbaker had proposed for him, and he was not happy. I asked him how he would vote for the coal tax at 25 percent, and he said he thought he could support it. So, I proposed him for the Taxation Committee instead of Allen Kolstad. Frank Hazelbaker objected but finally acknowledged, "You're in control," and went along. I am sure Allen Kolstad never forgave me for that, but Frank was right. We had the votes. And now we had the votes in the Taxation Committee for the coal tax bill.

Two more things were important in the Committee on Committees. I learned that the Committee also had the right to designate where each Senator sat on the Senate floor. Gordon McOmber advised me to be careful about seating arrangements because some legislators were very touchy about where they sat. I later learned that he was exactly right.⁵ Larry Fasbender suggested I should use this power to our advantage by making sure that any of the Senators who were a little weak or less reliable on progressive legislation should be seated beside someone who was strongly in support of such legislation. I followed this idea, at least to some extent, and it proved to be more effective than I realized.⁶

Second, a number of us were aware that Gene Turnage, a Republican Senator from Polson, had an enormous impact on conservative Democratic Senators. He was a very good Senator and was very persuasive, particularly with conservative Democrats. I made sure that I was on every committee that he served on, i.e., Taxation and Judiciary. Apparently, it

5. In the 1979 session, when Democrats were in the minority, Minority Leader Chet Blaylock proposed that John Manley give up his back-row seat to someone who was more loyal to Democratic principles. John Manley promptly changed parties and became a Republican so he could preserve his back-row seat.

6. Max Conover was a great legislator. But I was a little worried about him on some issues, so I made sure that he sat beside Pat Regan who was not only reliable but could be very forceful if she wanted to be. When a bill important to teachers came up for a vote in a later session, the vote was called for and there was a dead silence throughout the chamber as everyone was watching the vote board. In a whisper Pat Regan could be heard to say to her seat mate, Max Conover, at least once, "Change your vote." Finally, in a whisper that could clearly be heard throughout the chamber, she said, "Change your vote or I'll break your god damn arm."

was somewhat effective, because when I asked him at the end of the session what he thought—I still had great respect for him and still considered us friends even though we did not agree on many things—he said this session had been a drag. I asked him why. He said, “Every day I go to Taxation at 8:00 in the morning and argue with Senator Towe. Then at 10:00 I go to Judiciary and argue with Senator Towe. Then at 1:30 we go into general session and I stand up and argue with Senator Towe. It is so bad that I have started waking up at the middle of the night arguing with Senator Towe.”

Even though we may not have been 100 percent effective in limiting Senator Turnage, it was a very successful session for progressive legislation. I succeeded in getting 17 substantial bills that I sponsored passed through the Senate in the 1975 session. Not only did the Coal Tax Bill pass, setting the coal tax at 25 percent (SB 13), along with the bill creating the Coal Board (SB 86), and funding for Alternative Energy (SB 87), but my utility bills passed (SB 150—eliminating fair value in the rate base, and SB 108—eliminating the deduction for institutional advertising). And my Mental Commitment Bills passed, giving much greater protection to persons accused of being mentally ill or developmentally disabled (SB 377 and SB 388). I also succeeded in passing my bill to grant standing to all citizens on suits regarding air and water pollution, although Governor Judge vetoed it. But many pieces of progressive and environmental legislation were passed into law. We made a difference!

Postscript: I dictated a summary of activities related to the Coal Tax Legislation in the 1975 session of the Legislature on my drives back and forth to the session from my home in Billings in 1975 when it was fresh in my mind. Most of the detail in this report was taken from that dictation.