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# Transcript for Episode 26: Present at the Creation: Montana Higher Education Reforms from 1972 Constitution

Lawrence Pettit

Evan Barrett

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**[Begin Dr. Lawrence K. Pettit: Montana Higher Education Reform from 1972 Constitution]**

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.

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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:** Well welcome back to In the Crucible of Change. You know we talk about a new Montana being born in this *crucible* and one of the areas where a significant change, progressive change for Montana occurred was in higher education that occurred coming out of the new Constitution. There were a lot of changes in that Constitution that were important and one of the foremost changes was the changes in higher education in Montana.

00:01:48

And we have a very special guest today to talk about that and that's Larry Pettit, sometimes known as Dr. Lawrence K. Pettit, but it's Larry to--to his friends. Larry was the first Commissioner of Higher Education in the State of Montana, a position that emerged out of the new Constitution. I want to mention he's got an amazing, amazing career; I'll talk to you about it a little bit in the sense that--that you had a career working with--when you--you went and worked for Senator Murray in the US Senate and Senator Metcalf in the US Senate. You--when you came out you got your Bachelor's Degree at UM; you got a Master's in History from St. Louis?

00:02:35

**Dr. Lawrence Pettit:** No; Washington University.

00:02:37

**Evan Barrett:** Washington University in St. Louis and a PhD was where?

00:02:40

**Dr. Lawrence Pettit:** University of Wisconsin.

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**Evan Barrett:** Wisconsin, and then you--you ended up doing all this work but you ended up at Montana State University as a History Professor?

00:02:48

**Dr. Lawrence Pettit:** Political Science.

00:02:49

**Evan Barrett:** Political Science and--and then you kind of became more visible in the political scene in Montana when you became Tom Judge's Campaign Manager in the General Election of 1972.

00:03:06

**Dr. Lawrence Pettit:** Right, right.

00:03:08

**Evan Barrett:** And our recollection of course was that that's right when the Constitution also passed; almost the very time you were taking over the Governor's campaign the Constitution of Montana passed and that--that was the seeds of your new life really that was occurring there.

00:03:28

I want to mention too before we get too far into it that Larry has written a wonderful book called *If You Live by the Sword* and if you live by the sword, politics in the making and unmaking of a University President, because you were President in different forms of about three different universities, Southern Illinois, Pennsylvania University was it?

00:03:52

**Dr. Lawrence Pettit:** Well when I left here I was Chancellor of a University System in South Texas and then President of Southern Illinois University and then for my last 11 years, President of Indiana University of Pennsylvania which is in the town of Indiana. It has nothing to do with Indiana University in Bloomington. And but that's--that's a university of about 15,000 students--

00:04:16

**Evan Barrett:** All this goes to establish your **[bonafideties]** in education which is what--where you-- By the way I want to hold this back up again just so we can get a good shot of it, but it's an excellent book about the--the blending of politics in education. And that is the context that we are going to talk about, the changes in higher education that came out of the new Constitution because prior to the passage of the 1972 Constitution, higher education in Montana was controlled and often victimized by the political processes of Montana, alternatingly that Governors and Legislators would--Legislatures would--would impose constraints on the education system. There were prominent faculty sometimes if they had an outspoken position who suddenly had to get fired because they were counter to the political strength of what was going on in Montana at the time.

00:05:15

There was management control. There was teaching and content control. And these were things that came to the fore when the Constitutional Convention met. And as a result of that they proposed in the Constitution a whole new structure and I wonder if you might expound a little bit on what the previous structure was and then we'll go into what the new structure was.

00:05:44

**Dr. Lawrence Pettit:** Well previously there was one Board appointed by the Governor, confirmed by the--

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**Evan Barrett:** Board of Public Education?

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**Dr. Lawrence Pettit:** It was called the Board of Public Education but it--it went into the--it called itself the Board of Regents when it considered the University System matters. But it was the same people.

00:06:04

And--

00:06:06

**Evan Barrett:** And they did K through 12?

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**Dr. Lawrence Pettit:** --they did K through 12 and--and K through 12 seemed to be their major focus. And the Superintendent of Public Instruction, and elected Constitutional Officer was ex officio on the Board for both K-12 and Higher Education.

00:06:25

And there's no doubt that the--well and also that Board had no CEO for Higher Education. It had an Executive Secretary who was pretty much--

00:06:36

**Evan Barrett:** Ministerial.

00:06:38

**Dr. Lawrence Pettit:** --ministerial but--Director of the Staff and staff support to the Board himself. And there's no doubt that that the Constitutional Convention wanted to remove higher education from the political branches. And in Article X, Section IX they provided that the Board of Regents which would be separate now from the Board of Education--that the Board of Regents would have exclusive management and control over the University System.

00:07:09

That was a dramatic change that not everybody saw coming because it was open to interpretation and it caused a lot of confusion, too. One of the confusing things is that they called the Chief Executive Officer a Commissioner of Higher Education when the more appropriate title would have been Chancellor which would indicate line authority over the University Presidents which is what we ended up doing. But the Commissioner title was confusing because normally that's--it indicates an Executive Officer for a Coordinating Board rather than a Governing Board and particularly one with constitutional autonomy.

00:07:48

So--

00:07:50

**Evan Barrett:** Were they--they were essentially reacting in the con-con to the fact that it looked like if you thought about all the University units as being ships in the Navy you had a--you had a bunch of ships in the Navy and you had no Admiral.

00:08:01

**Dr. Lawrence Pettit:** That's right; yeah, uh-hm. And of course the change was--was not popular on some of the campuses. But--nor was the constitutional autonomy very popular on the Legislators or the Governors. And the--the first Commissioner was predicted in Helena to last about two years and I lasted six. But the--

00:08:26

**Evan Barrett:** Well you're from Lewistown [*Laughs*]

00:08:29

**Dr. Lawrence Pettit:** Yeah; yeah.

00:08:29

**Evan Barrett:** --is that right?

00:08:30

**Dr. Lawrence Pettit:** I suppose--I can't say I'm from Butte but I'm tough anyway. And the--so there were--there were arrows and slings coming from all directions. And I was eager to take this on but--but I knew what I was doing, too, and--and where I had to go with it.

00:08:53

And I had some good Regents. The Governor's job--I spent my first six months at--

00:09:02

**Evan Barrett:** Yeah; let's back up just a second and--and touch on the fact that you--you came to Helena from Bozeman to manage the campaign for the Governor.

00:09:11

**Dr. Lawrence Pettit:** Right.

00:09:12

**Evan Barrett:** And he had a successful election. It was Governor Judge and he was running against Big Ed Smith on the Republican ticket. He--he had survived the Primary where he had competition inside the Democratic Primary from Dick [Dezebie], who was a Senate Majority Leader from Great Falls. But he had defeated [Dezebie] and we always want to remember that he was coming--he was--they were running on the tail-end of Forrest Anderson's

single but dramatically history-changing term as--as a Governor that--that Tom asked you to come and run--Tom Judge, and run the General Election Campaign.

00:10:00

So when November hit and you won you then did what most people do at that stage, you slid over so to speak into the Governor's staff. Could you tell us a little bit about what you were doing there because that--there was an evolution that went from being the Campaign Manager to being on the staff to ending up as the Commissioner of Higher Education. Can you--?

00:10:23

**Dr. Lawrence Pettit:** Uh-hm; yeah first of all we--we decided what I would do. And the Governor was stunned when I--when I told him I'd rather be Commissioner of Higher Education than--than be head of any State Department because he didn't quite understand the change yet. And he--he saw the--the Commission as a continuation of the Executive Secretary, you know and he sit you want to sit down there and just direct a staff of five rather than being a head of a--

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**Evan Barrett:** Push a little paper?

00:10:51

**Dr. Lawrence Pettit:** Yeah; yeah. And I said I don't see it that way. I see the Commissioner as the Chief Executive Officer of the University System and everything is changing under the Constitution. And so--and that was going to take effect when the Constitution took effect in--in July of '73. So from January to July the agreement was I would be in the Governor's Office. I was not the Chief of Staff; Ron Richards had that position. But I was reporting directly to the Governor. And I was working on two things; one--helping to get through that--the Legislature because you know--as you know you're elected in November and all the sudden in January you're--you got to put together an administration and budget.

00:11:34

**Evan Barrett:** You're thrust into it.

00:11:36

**Dr. Lawrence Pettit:** Yeah; and then second--to be in charge of the process of finding people to appoint to Boards and Commissions including as it turns out the Board of Regents of course.

00:11:48

**Evan Barrett:** The new Board of Regents?

00:11:49

**Dr. Lawrence Pettit:** The new Board; yeah. Now the old Board had carryovers and some of them had to be assigned to the Board of Regents and some the Board of Education, and then the Governor was to appoint to fill-in--appointing the new ones.

00:12:02

**Evan Barrett:** So pursuant to the constitutional change and anticipating it by the first of July of '73 there was a Board of Public Education which was for K through 12 and there was a Board of Regents which was for Higher Ed. And you had to divide up the old Board and pick new people, the Governor did?

00:12:24

**Dr. Lawrence Pettit:** Yes; yes, yes, and there was provision in the Constitution to combine the two Boards on occasion where they would meet as the--I think the State Board of Education.

00:12:37

**Evan Barrett:** Just the Board of--. In fact that happens periodically even now.

00:12:39

**Dr. Lawrence Pettit:** Yeah; yeah, and it didn't--it didn't work exactly as it was supposed to. But it was supposed to indicate that there's a seamless system from K through Graduate School and in some respects there is, but it's really--it's two different sets of expertise.

00:12:55

And inevitably we'd get a meeting going and it would last maybe 20 minutes, half hour and one of the Regents would move that we adjourn. It wasn't a very **[Laughs]**--it just wasn't--it didn't work very well because we each had so much to do with our own business. And so in any event, I--I had a big part in--in the Governor's appointment of--of the new Regents and then came July, they needed--once all the Regents were appointed, it took a while, they needed someone immediately to be the Executive Officer of the new system.

00:13:37

And I was available and I was the one about--a lot of people had knowledge and experience in Montana politics and others had the academic background but I was about the only one around who had both. I mean I had, in addition to the PhD and teaching at Penn State I'd also been a Senior Staff Member on the American Council on Education where I was doing federal relations and dealing with university research and tax law affecting charitable contributions and a variety of other things.

00:14:10

So I had that background. The problem is people in Montana knew me politically, associating with you know--me with Metcalf and Murray and then Judge of course more recently as--as Campaign Manager and--and a lot of them thought when I was appointed that I was kind of a political hack and--and so we--we--we had a little--. You know and it was hard for me; I--I wanted very much because I had three chief aims, in addition to the ordinary one of getting money out of the Legislature for--for the campuses, the other concerns I had because I was the first Commissioner were the precedents. First of all in how we establish the position and I wanted to establish it as a professional higher education position where we would recruit subsequent Commissioners from the same national pool as we recruited the Bozeman and Missoula Presidents.

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And I didn't want it to be seen as a bureaucratic post or as a political post. Very hard for me given that my image was political among most of the people in the State.

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Second, I wanted to preserve the constitutional autonomy because I was conscious of the fact that it would be possible if the Legislature and the Governor made incursions into the constitutional autonomy of the Regents and the Regents let them do it instead of protesting that down the line a subsequent Commissioner and Board of Regents might want to challenge it and--and some court might say we have already voluntarily given up your constitutional autonomy.

00:15:51

So I was very--very set on protecting that which made it very difficult for me because it made me a--an adversary of the Governor and the Legislature in their eyes, the same people I was trying to get appropriations out of.

00:16:08

And then third, I'm having a Rick Perry moment; I can't remember--. **[Laughs]**

00:16:15

**Evan Barrett:** I think the--the CEO type of role--

00:16:19

**Dr. Lawrence Pettit:** Yeah; yeah.

00:16:19

**Evan Barrett:** The flag--the university units, yeah.

00:16:21

**Dr. Lawrence Pettit:** Yeah; to implement the new layer of Executive authority over the campuses. Now this was-- now this was just enormously controversial in Missoula of course and my alma mater but that didn't matter to them, and--and the newspapers in Missoula, Bozeman, and Butte were--were terribly hostile to the idea and they made it very personal and it--

00:16:51

**Evan Barrett:** Well it would be kind of interesting that in some cases you know they were probably relishing the fact that the University System was getting a little detached from the political arena but then of course any kind of change you want to make to our little turf, watch out.

00:17:09

**Dr. Lawrence Pettit:** Yes.

00:17:10

**Evan Barrett:** You know when you speak to this and you speak about the--the Regents and the role of the Commissioner, and protecting it and making sure the Regents didn't give away the authority they had, I wonder if you might just reflect a little bit about that first set of Regents and who got put on there and why they got put on there by--the role that you advised the Governor and the Governor made the appointments, but what types of folks were being chosen to do this?

00:17:39

**Dr. Lawrence Pettit:** Well the--the first two were Ted James, former Lieutenant Governor from Great Falls, who ran against his own Governor Tim Babcock in a Primary, subsequently, and had always been a pretty moderate Republican. His father-in-law, his first father-in-law was Sam Ford, Republican--

00:18:00

**Evan Barrett:** Former Republican Governor.

00:18:01

**Dr. Lawrence Pettit:** And the Vice Chair was Mary Pace, a--a school teacher, an English teacher in Bozeman who was--she and her husband were very close to me and the Governor. And she had close ties to MSU Bozeman and Ted James had close ties at U of M Missoula. And that kind of balanced that out as--in the leadership.

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And then the other members, Lola Hanson from Sidney, I can't--Louie Evans an architect from Billings; there were--oh and then Ted [Heberly] from Havre was--was on the old Board.

00:18:40

**Evan Barrett:** He was a holdover.

00:18:41

**Dr. Lawrence Pettit:** He was a holdover and carried over, and I--the--the student--the first Student Regent under this alignment was Sid Thomas who had been my student at MSU and--

00:18:54

**Evan Barrett:** Now the Federal District Court Appellate Judge--

00:18:57

**Dr. Lawrence Pettit:** Exactly; yeah.

00:18:59

**Evan Barrett:** --in--yeah.

00:19:00

**Dr. Lawrence Pettit:** And he was a student at the University of Montana Law School when--when he was on-- when he was a Student Regent, so he had this dual loyalty to--

00:19:08

**Evan Barrett:** Pretty high quality initial Board.

00:19:10

**Dr. Lawrence Pettit:** It was a good; it was a good Board.

00:19:11

**Evan Barrett:** I want to focus a little bit on Ted James and in doing that recall that he had been elected Lieutenant Governor when the Governor, Lieutenant Governors were elected separately. So in 1964 Tim Babcock who had ascended to the Governorship as a--when Governor Nutter was killed in the plane wreck, ran for reelection against Roland [Rennie]. Interestingly it's hard to comprehend that a University President, Montana State College President was the candidate for Governor.

00:19:44

**Dr. Lawrence Pettit:** Yeah.

00:19:44

**Evan Barrett:** But nonetheless, Babcock won and at the same time in a separate election Ted James won and became Lieutenant Governor. So for those four years they were governing together except they were separate. And there was a lot of differences between them and it ended up with Ted James running against his own--I wouldn't say his own, but as Lieutenant Governor running against Governor Babcock in 1968. And my recollection was he--he got beat in a reasonably close race but it wasn't that close. And so suddenly he was not Lieutenant Governor anymore. Babcock continued--well ran and got beat in the General Election and Forrest Anderson was Governor.

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So here we are four years later. Ted James had been out of elected office for four years and the Democratic Governor under advice from you asked him to be the Board of Regents and he became Chairman. Tell us about him particularly and that role as Chairman.

00:20:49

**Dr. Lawrence Pettit:** Well he was--he was a very strong Chairman. He--he really did run the Board at least that initial Board. And he was very committed to the University System and very committed to the constitutional autonomy that the system had, very academic in his interests, a lawyer but an intellectual lawyer with great political

instincts also. And he--there's no way that he would shy away from protecting the University System against political micro-management from the Legislature or--or the Governor.

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So when the time came to--to rise to the occasion, he was--he was set to go and he led the Regents on my--on my recommendation into filing suit against--as it turned out against the Governor to enjoin him from enforcing things that the Legislature had put in the Appropriations Bill but the Legislature was already adjourned, so the suit was--named the Governor as the defendant and he never got over that and never forgave us.

00:22:07

**Evan Barrett:** So Ted James is Chairman working with you as the first Commissioner as you were trying to--to work through how to get this stuff done. You--this started July of '73 and of course the Appropriations that were passed in the early--in the session of '73, you know held for two years. So the first time the new structure, the new independent--quasi-independent structure of the University System went to the Legislature with a budget was the '75 session then?

00:22:47

**Dr. Lawrence Pettit:** Yes; yeah.

00:22:48

**Evan Barrett:** And so when they passed that did there was some real disagreement about what they--what constraints they wanted to impose by the University System in spite of the fact the Constitution said it was--?

00:23:01

**Dr. Lawrence Pettit:** Well the--the Legislature that year in '75 right off the bat included in the Appropriations Bill for the University System a list of pretty egregious controls where they were actually dictating salaries and--and a variety of other things. And when that Bill passed and was signed by the Governor I said to the Regents okay the ball is in our court. You know we--we've got to challenge this because if we don't the ballgame may be over.

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And we have a responsibility as the first Board and the first Commissioner under the new Constitution to-- to set precedent. So we filed suit; a good friend of mine and the Governor's, Milton [Detsopolis] was--was our attorney, plus a staff attorney Barry [Yurt] who--who--they both--they did a wonderful job. The case was called *Regents against Judge* and he said to me, why me? Why are you naming me? And I tried to explain to him it was under the circumstances it had to be.

00:24:11

**Evan Barrett:** You had to sue the Governor because the Legislature was gone?

00:24:13

**Dr. Lawrence Pettit:** Was--was adjourned; yeah.

00:24:13

**Evan Barrett:** Since he's the Executive.

00:24:16

**Dr. Lawrence Pettit:** Uh-hm; and--and he did sign the Bill. And he would have implemented it had we not called this to his attention I think. And he did; he was quoted in June saying that he hoped we lost the suit, so he was--he was not very kindly disposed toward it. The suit was finally, the--the Supreme Court finally ruled in December, December 19, 1975 and we won the--we won the case in that our--our constitutional authority was upheld.

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But what happened afterwards is the Joint Sub--Appropriations Subcommittee for Higher Education in--in the Legislature started subterfuges to get around that. And one of the things they did was attach--they knew enough not to write the controls into the Legislative language, into the Appropriations language. So they would attach what they called Letters of Intent and said here's how we want you to use this [Laughs] and here's how we don't.

00:25:23

And so our--our response was this; we--we knew they--they had the power of the purse and we needed to get along with them. And every time we mentioned the world constitutional independence they interpreted that as

arrogance. So we had to figure out a modus operandi here and what it was--was trying to find a way to agree with them to begin with and when--when we did we'd send them a letter from--that I would draft from Ted James for his signature saying you--included a disclaimer in the last paragraph which would say the Board of Regents of the Montana University System by taking this action voluntarily does not mean to cede any of its constitutional autonomy under Article X, Section IX of the Montana Constitution.

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**Evan Barrett:** Boilerplate language but very telling.

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**Dr. Lawrence Pettit:** Yeah; yeah and--and where we--and then we would--we would meet with them on those--in those cases where we disagreed and they were a minority. We were able to agree with them on those things. When Huntley disagreed we'd meet with them and try to work something out that--where we could--we could meet their--their goals, not necessarily their requirements. And usually that could be done.

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But they were smarting under that and some of--some of the Legislators never got over it and they--

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**Evan Barrett:** And the decision rendered in December was a wholesale win for--for the University System. How--did--?

00:27:03

**Dr. Lawrence Pettit:** Well I interpreted it as a win. The language was kind of soft. I mean they--but it was--there was no other way to interpret it except as a--as a win for us, yeah.

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**Evan Barrett:** So suddenly you were--you had suddenly a little more adversarial relationship?

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**Dr. Lawrence Pettit:** Yeah; I would--I would guess so.

00:27:24

**Evan Barrett:** With both the Legislature although that's inherent anyway--

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**Dr. Lawrence Pettit:** Yeah.

00:27:28

**Evan Barrett:** --and the Governor who one might say would have been an ally but suddenly now you were independent?

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**Dr. Lawrence Pettit:** It was--luckily for the University System it--their--their anger was--was personalized more toward me and Ted James than--

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**Evan Barrett:** So you guys became lightning rods; the whole system didn't suffer, huh?

00:27:56

**Dr. Lawrence Pettit:** So--so we still got--we still got appropriations you know and we did pretty well during that period in terms of appropriations-increases. It was--you know it was the '70s; it was a great time.

00:28:07

**Evan Barrett:** Well the economy was good back then.

00:28:09

**Dr. Lawrence Pettit:** The economy was good.

00:28:09

**Evan Barrett:** There was money there.

00:28:10

**Dr. Lawrence Pettit:** And--and the political culture, the political environment was quite a bit more liberal than today or--or any time since you know [*Laughs*] because the '80s and '90s were--were disastrous. But it was--so it was not a--it was not--the fact that we guarded our independence and won did not do us any harm in terms of the appropriations process. There was a move in the Senate early on '75 to amend the Constitution to return control to the Legislature. That was before the Appropriations Bill was--was enacted that year. We killed that in the House and then of course the Attorney General Woodall who was a little quirky anyway notified us early on he wasn't going to provide us any legal assistance or support because we were independent which meant we had to build a legal staff and then open ourselves to criticism for building--increasing the staff and all that sort of thing that happens.

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But in any event it worked out pretty well.

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**Evan Barrett:** Now given the fact that the Constitution--the Constitutional Convention's decision to advance a strongly independent University System because of the political machinations of the past that were not favorable was a significant advancement. Were all States like this or was this a--did Montana, were they--was this an empowerment of the education system in Montana that went beyond what a lot of other States were doing?

00:29:54

**Dr. Lawrence Pettit:** Oh yes; yeah that made Montana a leader. There were other situations where--for example in Texas where the oil royalty money goes to the University of Texas, two-thirds to the University of Texas system and one-third to the Texas A&M system. And the Legislature can't do anything about that.

00:30:16

There may be some other States where the entire system has constitutional independence or there may be some where the flagship university does anyway and perhaps the land grant institution as well. But I think it put Montana out front and it's been a good thing. I don't know that it would ever be duplicated anywhere else today because the national culture has changed so much politically and but that's another whole discussion.

00:30:43

**Evan Barrett:** When you look at the--the fact that this change took place, this is part of the *crucible of change*, this change took place and it--the kind of inevitable movement of the previous power structure to create retrenchment back from that--I mean that seems like that was occurring right off the bat.

00:31:07

**Dr. Lawrence Pettit:** Yes; I think they wanted to test it right away or else their staff and the members themselves just weren't sensitive to the--how the Constitution had changed things. That's a possibility because very few people understood the--the importance of--of that wording in the Constitution I think. And so it might have been a--kind of a surprise to them that--that we--that we filed suit or it might--they might have wanted to provoke the suit to get it clarified.

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**Evan Barrett:** But you succeeded--you and the Board of Regents through the lawsuit--was the first step of protecting that autonomy and having it recognized even by the Court System?

00:31:54

**Dr. Lawrence Pettit:** Yeah.

00:31:54

**Evan Barrett:** The eventual adjudicator of all this?

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**Dr. Lawrence Pettit:** Right and then we hoped fervently that our successors over the years would hold the line and not start giving in.

00:32:03

**Evan Barrett:** Now by the way before we end the discussion today--we're not going to go there right now, I'm going to ask you to reflect upon current efforts to put more constraints on the system. But in the meantime, you had talked about establishing the role, the nonpolitical role of--of the Commissioner. That was tough to do given the way you were perceived.

00:32:32

**Dr. Lawrence Pettit:** Yes; yeah very tough and as a matter of fact I was immediately attacked right after--right after I became Commissioner. I was immediately attacked by Republican politicians led by Ed Smith whom we had defeated.

00:32:47

**Evan Barrett:** Well gee that's a surprise; if you managed the campaign that defeated him what do you expect, you know. *[Laughs]*

00:32:52

**Dr. Lawrence Pettit:** And the thing is they were stepping into a trap that they didn't realize because they didn't know I had a PhD probably. They didn't know I had taught at Penn State. They didn't know I had been at the American Council on Education; that I had--had a pretty good national reputation in higher education and I was known in higher education outside Montana and around the country--

00:33:14

**Evan Barrett:** Better than you were in--

00:33:13

**Dr. Lawrence Pettit:** --better than I was in--yeah. All they knew was I had been the Governor's--I was the Governor's brother-in-law and I had been his Campaign Manager. But that's--and so they were starting to say you know--make, they were starting to criticize--

00:33:25

**Evan Barrett:** They thought this was a--

00:33:27

**Dr. Lawrence Pettit:** A political appointment.

00:33:28

**Evan Barrett:** Political appointment.

00:33:28

**Dr. Lawrence Pettit:** And so what I did, I had very good relationships with Ted James' brother Scotty who was Editor of the *Great Falls Tribune* and with my--

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**Evan Barrett:** Montana is a small state with really long streets, right where everyone knows everybody, so--

00:33:43

**Dr. Lawrence Pettit:** Yeah; and with Mr. [Bowler] who was--

00:33:47

**Evan Barrett:** Doc [Bowler].

00:33:48

**Dr. Lawrence Pettit:** Doc [Bowler] was Editor of the *Billings Gazette* and I just sent them each a copy of my resume and they didn't coordinate but on the first--on the same Sunday they each had lead editorials supporting me and my appointment and pointing out my credentials and--and in academia and so that pretty much put that to rest at least as a public issue.

00:34:19

And it--it--

00:34:21

**Evan Barrett:** I look at that as being kind of the educational equivalent of that day in about 1975 or '77 when Bruce Springsteen was on the front of *Time* and *Newsweek* on the same week.

00:34:33

**Dr. Lawrence Pettit:** Yeah; same kind of thing. You got it--

00:34:34

**Evan Barrett:** In the *Tribune* and the *Gazette* at the same time.

00:34:36

**Dr. Lawrence Pettit:** But I hadn't thought about that.

00:34:38

**Evan Barrett:** Yeah. [Laughs]

00:34:39

**Dr. Lawrence Pettit:** Yeah that was good. [Laughs] And then of course at the very end when I was leaving the position--I'm getting way ahead of us now but I think it's relevant here, the same two papers gave me a big pat on the back and the headline on the *Billings Gazette's* editorial said *The Unfortunate Pioneer* and really capturing how

the first person in that position was going to take a lot of fire and have to make a lot of tough decisions and have to make a lot of enemies, and--and get a lot of scar tissue.

00:35:13

But so I--I was lucky; because of the animosity from the *Missoulian* and the *Montana Standard* and whatever the Dillon paper was called--

00:35:25

**Evan Barrett:** *The Dillon Tribune.*

00:35:27

**Dr. Lawrence Pettit:** --*The Dillon Tribune*--and then neutrality on the part of the *Helena Independent Record*, but which I welcomed but I had no problems with the Associated Press for a while.

00:35:41

**Evan Barrett:** But you lasted six years when the anticipation was a lot less.

00:35:48

**Dr. Lawrence Pettit:** Right.

00:35:49

**Evan Barrett:** So you had steel in your backbone apparently.

00:35:52

**Dr. Lawrence Pettit:** Well I had to. But there was things; I remember once my youngest child--this is the younger of two sons, the youngest of four kids ran all the way from our house on Power Street. He must have been--he was in elementary school at the time and all the way down to my office and burst in and said dad what did you do? And this was--he thought I was going to go to jail. There was a--the--the Regular Legislative Audit of my office came out and in the written audit report there was simply mention of the fact that we had leased a car for the

Commissioners as we've done for all the Presidents. And we didn't want any of us to have to drive around in marked cars.

00:36:45

I mean it--it was--we were doing what was done everywhere else nationally. And we leased a Pontiac for me which we thought was pretty modest but the--the auditors thought maybe it should have been a little less than that.

00:37:03

**Evan Barrett:** A Chevy. *[Laughs]*

00:37:03

**Dr. Lawrence Pettit:** And--but yeah, but when I met with the auditors nobody mentioned that. It wasn't even an issue. But the Associated Press reporter who covered it obviously wasn't at the meeting and just read the--the Audit Report and then he made that a huge issue which it hadn't been in anyone else's mind and then that--my son then heard that being read on the radio news and--

00:37:29

**Evan Barrett:** Thought you were off to the slammer?

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**Dr. Lawrence Pettit:** Yeah; he really thought I had done something wrong. But that's the kind of that when you're in those positions you--you encounter but it was--I thought it was just kind of--

00:37:41

**Evan Barrett:** Well you know when we talk about In the Crucible of Change that it--and all this stuff took place that the--that the--the battle with the established power structure was not easily won.

00:37:55

**Dr. Lawrence Pettit:** Right; right.

00:37:55

**Evan Barrett:** And so if you look at it there was all this again--efforts at retrenchment and retention of control by the Legislature in spite of the fact that the people voted in Constitutional change.

00:38:06

**Dr. Lawrence Pettit:** We had some great supporters. I hesitate to start naming names because I'll forget some but in the Senate we had Bill [Grub] on the Democratic side and Bill Mathers on the Republican side, two very powerful highly respected Senators with seniority who supported us all the way on everything. They were just wonderful.

00:38:26

And we had in the House some good support, too. And well I've got to say the Southwestern Montana Delegation, the Butte Anaconda and Dillon Legislators were always strong supporters of the University System and the Commissioner's Office and the Regents. We could always count on them and that made things difficult later on when the--we'll probably get to it.

00:38:55

**Evan Barrett:** We'll talk about the Blue Ribbon Commission in a couple minutes. You know when you were trying to implement the CEO authority of the Commissioner's Office which was clearly the intent, the flagships particularly or what kind of resistance did you get because I've always found that it's--anybody--any time you want to nibble away at anyone's authority they really guarded carefully.

00:39:18

**Dr. Lawrence Pettit:** Oh yeah; well it has something to do I think with perception of institutional prestige which is why at Missoula they felt so strongly. At Bozeman which is typical of Land Grant Universities, they're usually better politicians in working in State politics. You know they--and the--the faculty at Missoula or at least the faculty at some of the--you know has a tendency to get pretty indignant pretty easily. And then--now the Presidents

themselves, the only one that challenged me and challenged my authority was Dick Bowers at Missoula, whom we had hired after I became President, so he should have been a little bit loyal to me.

00:40:03

But the--it was the newspapers more than the campuses themselves in those--those three communities. Now the people at Tech weren't--I mean they were--they pretty much were willing to accept it except for a few faculty members. And same in Bozeman; the administration at least overtly were cooperative and willing to go along. Now there were issues with them later where they tried to conceal resources and things of that sort and--and we had some animosity there.

00:40:38

**Evan Barrett:** So they liked--they liked the--?

00:40:39

**Dr. Lawrence Pettit:** But how this--see how this worked out, the Constitution provides that the Regents will define the role and powers of the Commissioner. So the--the first Board of Regents could have defined the Commissioner as essentially an Executive Secretary--game over. But they weren't going to and the--and the--it's like so many Supreme Court cases now that--that are being brought to challenge the Affordable Care Act, statutorily rather than constitutionally, it--it depended on the wording of one line that what we preferred and what actually happened was the Presidents would report to the Commissioner of Higher Education. What Bowers and the people at Missoula wanted is the President will report to the Board of Regents through the Commissioner of Higher Education, you know very minor difference.

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And we won on that.

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Now--now--

00:41:40

**Evan Barrett:** To a University President however [*Laughs*], not a minor difference.

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**Dr. Lawrence Pettit:** Well and the--as I recall now, I almost forgot; the--the--the faculty senates at both Bozeman and Missoula passed resolutions for--in support of Bowers and what he wanted and against what I wanted. But they didn't get around to it until the action was already taken. So I--I--

00:42:04

**Evan Barrett:** The door was already locked, right?

00:42:06

**Dr. Lawrence Pettit:** Yeah and I say in my book, you know their Resolutions had all the impact of a snowflake hitting the Missouri River. But--but it was--it was to no avail but it was kind of--I won't call it typical but it was one of those--one of those things where they weren't abreast of what was going on.

00:42:21

**Evan Barrett:** One of the big fusses that occurred as--again realizing this was all brand new and it was evolving and there was challenges to it and all kinds of things was the famous or the infamous Blue Ribbon Commission which has been subject of a lot of stuff over the years about how did that happen and how did--how did things get kind of sideways and--and particularly what was the perceived--well that old story about if you create a Commission you got to live with kind of what they recommend, and if they recommend stuff you don't like what do you do? Now what was--now this was a Governor's, really a Governor's Commission not a--

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**Dr. Lawrence Pettit:** Well it was--no; it was created by the Legislature. It was--it was born a bastard to begin with because the person who persuaded the Legislature to do this was [Doughty Cobourg] who was Superintendent--

00:43:18

**Evan Barrett:** Democratic Superintendent--

00:43:18

**Dr. Lawrence Pettit:** --Superintendent of Public Instruction and had nothing to do with higher education. It wasn't her jurisdiction but she persuaded the--the Legislature to pass the Enabling Act and then--and then the Commission was appointed by the Governor and we were still on good terms then. And Ted James and I made a mistake; we accepted appointments to that Commission and he became Chairman of it. So he was Chairman of the Board of Regents and the Commission.

00:43:50

**Evan Barrett:** Ah.

00:43:51

**Dr. Lawrence Pettit:** And we hired a good professional staff member, Pat Callan from California who subsequently became one of the leading educational policy experts in the country and this was still widely consulted with and--and quoted. But Pat was very young then and this was really his first job of that kind. He--he--and--and now that the--the context for that politically, the historical and political context was as you may remember, in Montana whenever the budget was tight there was a kneejerk reaction on the part of half the population it seems that--close one of the units of the University System. You know never--never to--to look elsewhere for savings, and the most vulnerable ones were always the smaller ones. Nobody was going to close Missoula or Bozeman because half the State are alumni of--of those two.

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**Evan Barrett:** Particularly probably Northern and Western.

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**Dr. Lawrence Pettit:** Yeah; they were two--the two vulnerable ones. Well Pat recommended in his first report, his draft report which as a draft had to be acted on kind of like a first reading by the--by the Commission, that Tech be downgraded to a two-year status and Western be closed. And now I made another mistake; when he came to me and

said this is my recommendation, what do you think? And I said well it's--it's explosive politically but you in terms of your own professional integrity if that's what you think, you go ahead and recommend what you want to and Ted and I will try to take care of the politics.

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And so Pat recommended that and it went to the Commission and on first reading was tentatively accepted.

And--

00:45:56

**Evan Barrett:** That had to be explosive.

00:45:58

**Dr. Lawrence Pettit:** And so the people blamed for it were Ted and I and for some reason Linda [Scar] who was Vice Chairman of the Commission from Bozeman. And because my title was Commissioner of Higher Education instead of Chancellor, a lot of people thought that I was the one behind all of us this because I was the Commissioner and this was the Commission.

00:46:20

**Evan Barrett:** Higher Ed Commission; this was the Blue Ribbon Commission.

00:46:23

**Dr. Lawrence Pettit:** Yeah; and so it got really--it got really explosive. And I was called by Mike Mansfield, you can imagine how--

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**Evan Barrett:** Former graduate of the Montana School of Mines or attendee of the Montana School of Mines.

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**Dr. Lawrence Pettit:** Right and then graduate of University of Montana and faculty at the University of Montana. Well he--if you do anything that might harm Butte you're going to hear from him and--as it should have been. And then there were--

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**Evan Barrett:** I relate to that.

00:46:52

**Dr. Lawrence Pettit:** Yeah right. *[Laughs]* So I also--I had--I was--I was cheeky enough I was invited by the Democratic Central Committee of Silver Bow County to come and discuss that at a time when they all thought it was my recommendation and my thought. And I *[Laughs]*--I went down and I had Herb and Mary Pace go with me because Mary was well-known in Butte and well-liked and so was Herb and I thought that they would give me a little protection. And I started out in my comments and immediately you--you're like Jimmy Shea who had been--

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**Evan Barrett:** The former Mayor of Walkerville.

00:47:31

**Dr. Lawrence Pettit:** Walkerville and then a State Senator and Golden Glove Boxer.

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**Evan Barrett:** Yeah; right. *[Laughs]*

00:47:36

**Dr. Lawrence Pettit:** Came up to where I was standing and challenged me to go outside--

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**Evan Barrett:** In the alley, right. *[Laughs]*

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**Dr. Lawrence Pettit:** Yeah; and we--we were able to--

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**Evan Barrett:** That was Jimmy all right.

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**Dr. Lawrence Pettit:** We were able to quiet that and I think they were--I think they were able to listen to me and as I went through all this and discussed who was who and who had what authority and who recommended what. And I had assured Mike Mansfield; I said there's going to be another vote on it. And it's not going to carry. *[Laughs]* And I told--I told Ted James; I said we need to go to work to--to lobby against this and we're undercutting Pat but we have to do it. Otherwise it's going to be just a hideous battle. And the Governor was very nervous because he--

00:48:20

**Evan Barrett:** His Commission, so to speak.

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**Dr. Lawrence Pettit:** --this was--yeah reflective to him and he--and--and his biggest margin was out of Silver Bow County. You know and--and as I said earlier, the Delegation from there had always supported the University System, not just their local institutions.

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So it was very ticklish politically but we got through it and--and Pat left. You know we--we--we rejected the report and he left angrily and I think he ended up going to--

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**Evan Barrett:** Went onto a good career.

00:48:57

**Dr. Lawrence Pettit:** To Maryland. Yeah; he went onto a wonderful career. And so I--I made a lot of mistakes with respect to that whole thing but it should never have occurred anyway. There should never have been a Commission at that time. We had--we had a new system, a new constitutional arrangement with the new Board and the new Commissioner; let us see what we can do. Don't impose something else that takes people's valuable time.

00:49:21

**Evan Barrett:** Well with [Doughty Cobourg] advancing that it may have been another case where you had somebody who had little--some authority in education that didn't like the changes and didn't like the--the--the nibbling away at this authority or that, so suddenly you have thrust upon you an evaluation that got out of hand.

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**Dr. Lawrence Pettit:** Yeah.

00:49:39

**Evan Barrett:** I mean it was very explosive.

00:49:41

**Dr. Lawrence Pettit:** Yes; it was and as--it was explosive enough without that. I mean just having the things we've been discussing. You know I was--I was under the gun anyway. *[Laughs]*

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**Evan Barrett:** Now when that happens by the way, when the shrapnel comes from the explosion and you're nearby you know you get bloody.

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**Dr. Lawrence Pettit:** Yeah; yeah.

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**Evan Barrett:** I mean it happened to you.

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**Dr. Lawrence Pettit:** But I think we got that quieted all right and moved on but it was--there was some hurt feelings still. And--and I remember at one point later when the Educational Broadcasting Commission, where there was a Bill to fund public broadcasting in Montana, the miraculously at the last second that was killed and that money was used for a new library at Tech. *[Laughs]*

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**Evan Barrett:** What happened? How does a--you know how does that happen?

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**Dr. Lawrence Pettit:** So I thought well you know that's okay. We got--and--and--

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**Evan Barrett:** That is a nice library by the way.

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**Dr. Lawrence Pettit:** Yeah.

00:50:53

**Evan Barrett:** And we--and we have a wonderful auditorium in there, theater for political debates and lots of other things. Now let me ask you this because being there at the creation, being in there when it actually happened, when the change occurred, this dramatic change and it was very progressive change in education, protecting education from the vagaries of politics and the attacks of politics, I mean nothing could be more important for a society.

00:51:20

**Dr. Lawrence Pettit:** Yeah.

00:51:22

**Evan Barrett:** So you're there at the beginning of that. There's always that retrenchment mode and we are now 40-some years later. And it seems like almost every session there's some effort at nibbling away at that authority, for example current Legislatures are talking about performance-based financing so that they say well we can't tell you how to spend your money but we want to allocate certain--we want you to--to carve up your money a different way and the Regents are dealing with the political world. And so what's your kind of assessment from the outside as to the whole thing?

00:52:02

**Dr. Lawrence Pettit:** Well you know that's happening all over the country. The new culture--first of all, we always considered a college education a public benefit, a public good. And now Legislators and businessmen and others around the country want to regard it as a private benefit and they want the student to bear more of the cost.

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**Evan Barrett:** Well I mean they're very utilitarian about how they look at it.

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**Dr. Lawrence Pettit:** And the second thing is we're in this culture in the United States where we believe in free market magic and we think anything private is better than anything public and we want all of our nonprofits now to be run like a business. You know that's the biggest accolade you can give them is they're run like a business.

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Well nonprofits including universities are not meant to be run like a business. They're not out for--to look at the bottom line or to make a profit. They're there--they're service-oriented. And the intangibles are the things that are most valuable. And you can't always measure or spot the--the--the results of the--the payoff of the intangibles. For example, the--somebody--somebody who is being influenced by a teacher or a professor, you know may not show that for 10 or 20 years after getting out. I mean that's--that's a not very good example, but most of the things

that universities stand for are not quantitatively measurable. So people come along with a--the wrong model. They have a business model they want to impose on the universities. It's like you use a--an English French Dictionary to translate something from the German. And that's what they're trying to do.

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And so what happens when you go to performance-based budgeting is the wrong things are measured but only those things that lend themselves to quantitative measurement are measured because how do you measure the--the really valuable intangibles? And also you shift to a business model in--in terms of talking about students as customers, talking about productivity as though there's a product that can be measured. Sure you can measure how many people graduate and--and that sort of thing but--but knowledge itself is a product.

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**Evan Barrett:** There's an inherent value there, sure.

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**Dr. Lawrence Pettit:** And the kinds of research that are done and the kind of public services, the kind of cultural--

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**Evan Barrett:** Building better people, building better citizens.

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**Dr. Lawrence Pettit:** Which was the old Jeffersonian idea of what education was all about. People leading better lives, being better citizens and now it's all--it doesn't lead to a better job; you--you--what's your starting salary--

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**Evan Barrett:** You recover your investment and--

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**Dr. Lawrence Pettit:** Yeah; yeah what's your starting salary as though that's the important thing.

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**Evan Barrett:** Now for example there was a time there, probably when you were in office that Montana citizens paid between maybe 60 and 70-percent of the price of a college education for all the students in Montana.

00:55:21

**Dr. Lawrence Pettit:** Right.

00:55:21

**Evan Barrett:** In-State students. And that eroded down to about 40-percent.

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**Dr. Lawrence Pettit:** Yeah and probably under 40 at Missoula and Bozeman, yeah.

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**Evan Barrett:** And resulting in well you know again you got to have a bunch of--you got to have--you got to pay more if you're a middle class family, you got to get loans. The loans keep you from buying--you know keep you from buying a car or maybe getting a starter home. It has a great impact on the economy but it--but it's all about--this is all about what your gain is financially from education rather than your--that intangible gain of being a good citizen and well-rounded human being.

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**Dr. Lawrence Pettit:** And then in terms of the public benefit there's no longer any regard for leading a good life as an educated citizen, anything of that sort; it's all on the--the pressure is to turn out indistinguishable human widgets for entry-level positions in American business. And--and the business community is beginning to dictate which majors have value and which don't. And this is a threat to the humanities and the arts. And--and they can't--they can't compete when you're measuring quantitative things. Some of the most valuable things in a university are the ones that almost always have to run a deficit. You can't just use the business model in any value.

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So if you have performance-based budgeting and it's a program using a business model and it's measuring things because they're easily measurable rather than because they're the important things you're going to encourage bad practices in the university and you're going to encourage the universities to gain the system. And--and you're going to threaten the humanities and the arts and universities as intellectual and cultural leaders, and you're going to cast doubts on the benefit even of research, you know because most people know about high school where the teacher is a teacher, but they don't understand that any university it's quite different. The role is much more complicated and--and the--and research and production of knowledge and that sort of thing.

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**Evan Barrett:** Uh-hm; well you know we talk about this being a *crucible of change* and dramatic change occurred in university governance and the way it happened in Montana. Perhaps more progressive than most other States and I think we're looking at the challenges of retrenchment to always watch for that, to be vigilant for that. You were there at the creation. You contributed to Montana being a model for the rest of the nation and I think it's so great that you've been able to come and share your experiences with us so that we--we can benefit from you know the--what is trying--trying not to fall--slide backward in that inherent tension that occurs between money and--an the value of an education.

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This State has placed a huge value on education. We have to keep it that way. Larry Pettit, thank you for being with us In the Crucible of Change; we appreciate you being here.

00:58:41

**Dr. Lawrence Pettit:** Thank you; good to be here.

00:58:43

[*Music*]

00:59:48

**[End Dr. Lawrence K. Pettit: Montana Higher Education Reform from 1972 Constitution]**