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# Transcript for Episode 33: High, Wide & Handsome: Environmental Legacy of 1970s Legislature

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Bob Brown

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**[Begin High, Wide, & Handsome - Environmental Legacy of 1970s Legislature]**

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**[Music]**

00:00:03

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

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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.

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

00:01:20

**Evan Barrett:** Welcome back to *In the Crucible of Change*. in this episode which we call High, Wide, and Handsome, we're focused on a--the accomplishments in Montana during this era of progressive change that relate to the land, to the water, to the air, to the basic nature of Montana in terms of environmental change and progress that was shown on that field during the 1970s.

00:01:48

We are joined by two extraordinary Montanans; we're blessed to have them here with us today. They started out as new kids on the block together in 1971 in the Legislature when they were both freshmen. And that is Bob Brown; Bob with 26 years in the Montana Legislature, 4 in the House, 22 in the Senate, 4 years as Secretary of State, and then you were a nominee for Governor for the Republican Party. Dorothy Bradley; Dorothy came in, in 1971 the same time Bob did and over a period of--had 16 years in the Legislature, broken by a period in there where she was doing a few other things. That being said between 1971 and 1993 you had 16 years in the Montana Legislature. You also were a nominee of the Democratic Party for Governor.

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These folks here I'm so honored to have you with me are--I remember it went from--as I say new kids on the block to prominent State leaders. And we're honored to have you, you know here with us today on *In the Crucible of Change*.

00:03:04

So now to that idea that you came in together in 1971 that wasn't happenstance really. When we sat down and talked with Dorothy Eck, the wonderful program with her, she spoke about the two of you emerging from Bozeman's Earth Day activities in the spring of 1970. I wondered if you might move on that and talk a little bit about how did that all happen. What was--what was going on? You just came back from education in Colorado and then overseas, back to your home of Bozeman. You were from the Flat Head but you were the President of the Montana State University Student Body weren't you?

00:03:44

B: Uh-hm.

00:03:45

**Evan Barrett:** So did you get engaged in Earth Day? Fire away--

00:03:48

**Dorothy Bradley:** Well I will start out with that because I was a sort of wild crazy person where Bob was more traditional, Student Body President, really respectable. And there we came out of the shoot together and loving

every minute of it. I'm a lifelong Bozeman person. And I did come home from Germany right after college. I had been working over there. My mother was ill. I came back to Bozeman and got encaptivated with the whole Earth Day Movement.

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We were allowed to have a little closet on the MSU community student offices thanks to Bob and we put together a huge Earth Day event. It was the very first Earth Day, April 1970--ever led by Gaylord Nelson. I sometimes think of Gaylord Nelson as one of my favorite politicians from Wisconsin who said if I said everything I believe I couldn't even vote for myself. **[Laughs]** And I thought that was me except that--except that I said everything I believed and--and we had this extraordinary Earth Day presentation on the MSU campus in Bozeman. And then that evening with the encouragement of some mutual friends of ours I suddenly thought oh I'm not going to go to Graduate School. I'm going to take a year off and indulge myself in Montana politics. And I went to the Secretary of State's Office and filed for the Montana House of Representatives.

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**Evan Barrett:** Now Bob you--you were part--other than giving them a room, obviously you were an eager participant in this thing. What--how did it come about for you?

00:05:32

**Bob Brown:** Well--

00:05:33

**Evan Barrett:** And how did Dorothy Eck relate to that?

00:05:33

**Bob Brown:** Dorothy was this interesting person who showed up on campus and came into the Student Government Office and she had talked to lots of people and that sort of thing. And she was all excited about the environment. We didn't know what environmentalism was or what ecology was or anything like that. This was all

quite new. And remember it's Montana; she was--she had come from Germany and Colorado and you know the with-it kinds of places.

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So anyway she persuaded me and others that this Earth Day idea was a good idea and that we needed to pay more attention to our natural environment. So I just supported her in every way I could in terms of creating this Earth Day observance. And it was very successful.

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**Evan Barrett:** Her being Dorothy--this Dorothy?

00:06:14

**Bob Brown:** This Dorothy; yeah.

00:06:15

**Evan Barrett:** That's good, yeah; okay.

00:06:16

**Bob Brown:** But Dorothy Bradley and I both knew Dorothy Eck. Dorothy Eck was a matriarch of the League of Women Voters and a very respected person there, a community leader in Bozeman. And she was interested in young people, so she talked to me and Dorothy and other young people and persuaded us that it might not be a bad idea to file for the State Legislature. So Dorothy and I did on the same day. And I filed as a Republican in Flat Head County and she filed as a Democrat in Gallatin County. And it made kind of an interesting news story. And so that's how we got started in politics and that was when there weren't single member districts. That came with the New Constitution that wasn't approved by the people until 1972. And just remember this was 1970.

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So we both ran at large in our counties--

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**Evan Barrett:** County-wide; yeah.

00:07:04

**Bob Brown:** --so it was possible--at least I think we both think this that we probably likely weren't the first choice of a lot of the voters. But if they could choose in the case of Flat Head County I believe they--it was a free for all. The Republicans nominated five and the Democrats nominated five. And in Gallatin County it was four and four. So when the people voted there were eight names on the ballot in Gallatin County and--and ten in Flat Head. And so the people might think well I'm going to vote for him and him and so on, these well-known names, maybe people that were in their own Political Party. When they get to the last choice they think what the heck? I'm going to give that young person a vote. You know and that was when they could. So we could be somebody's third or fourth choice and still win the election. And so it worked out real well.

00:07:46

**Evan Barrett:** So you--that was political tactics but it was driven by a desire.

00:07:51

**Bob Brown:** Yeah; oh yeah. We--and we both--or at least I know we both campaigned hard. In fact Dorothy she was for the birds. *[Laughs]*

00:07:59

**Dorothy Bradley:** Yeah.

00:08:01

**Evan Barrett:** Well we forgot to bring that in.

00:08:02

**Dorothy Bradley:** I didn't bring my litter bag in but I did discover along the line that this was an unusual chapter in my life. I was going to put everything off to the side and campaign on--on--

00:08:13

**Evan Barrett:** Only for two years or something.

00:08:15

**Dorothy Bradley:** It was going to be a two-year hiatus and it was the most interesting hiatus I ever did. I was entranced by all the all issues suddenly that were in front of me and I thought there's no way I'm going to ever win this election, not someone like me even though this is my county that I have lived in all my life. But I ran out a campaign and I decided the only thing I can do is knock on everybody's door and I went throughout the entire county of Gallatin and I said, this is me and these are the issues. And I hope you'll support me.

00:08:56

And I actually won. And no one was more shocked than myself.

00:09:00

**Evan Barrett:** So all of the sudden there you come. You guys are showing up, young folks, and in days this was way, way pre-term limits. So there was a--a lot of real senior established Legislators that had been there for a long, long time. And when you were a new kid on the block you know what--were you expected to be kind of quiet and--but remember it's an emerging age here. I mean some significant things happened in 1971. You know and again we're focusing; there's so many things you've done in your lives by the way and broad ranges of policy but in terms of the term environmental or conservation or whatever we want to call it, gee in 1971 the Montana Environmental Policy Act was passed. That was a great big giant step as was the Hard Rock--the Hard Rock Minerals Act, the Reclamation Act.

00:10:00

Now Reclamation--remembering that the--I want to set a little bit of the stage here that the--that the--this whole series is about after having lived for 75 years in Montana, the first 75 years as a State with a copper collar around the whole State being dominated completely economically, politically, and governmentally by the Anaconda Company which got its way on everything that we were emerging into a new age of progressivity where the people

were becoming empowered. You two were kind of emblematic of that. How did it play out when it came to this type of legislation?

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**Dorothy Bradley:** I'll start on that just for a minute. Bob is the historian. He's an extraordinary historian but one of the things--there's many things I remember about that era. I think it riveted everyone's attention that there was suddenly this sort of interesting move to the environment. I think it is so important to focus on what was happening over that first decade of the '70s because it was very different from what had been Montana's history.

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Montana's history had sort of been move along, rape, pillage, move onto the next and suddenly there is this feeling of no; we're here for the duration. We want this place to be extraordinary for our children and grandchildren and great-grandchildren. We want to leave it as good as we possibly can.

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And in--but the 1971 to 1975--'77 Sessions was an extraordinary period of Montana history. And I think it was--it was driven by this new vision among all the citizens and the Legislature, the Legislature of course that we're not just thinking of being here temporarily. We're thinking of being here for the duration. We're here forever. We're going to think of our grandchildren and our great-grandchildren and we want the system to be--to be as productive and beautiful as it always was. And so there's this transition taking place with the Legislature and who is there, who is elected, and who are the controlling powers that look over it, and also the lobbyists? Who is in there working to influence voters? Who is walking through the House and the Senate Chambers every day and who is saying this is what we envision our future to be? It's just--it's such an amazing time of transition of thinking that it's hard to capsule it but that's what was going on.

00:12:46

**Evan Barrett:** It's interesting; Jerry [Hollerin] who was a newspaper reporter at the time for *Lee Newspapers*, later he became a major staff person in directing the Constitutional Convention. And he--he is part of our series, but Jerry at the time in the newspapers, I read the quote and I couldn't resist it because it's to this topic, he said and I think he was speaking of the years before this in terms of setting the context; *if Environmental Bills he said were not killed at*



*the drop of an industrialist-hat they often went down under the crunch of a cowboy boot.* And almost about the--I wouldn't call it the unholy alliance but it certainly was an alliance of convenience between--for the Anaconda Company, Industrial Complex, and the Montana Stock Growers cadre in Eastern Montana mostly combining to represent the vested interests of Montana which prevailed to that time. And then all of the sudden it kind of changed. Your reflections on that first year about that type of change?

00:13:54

**Bob Brown:** Well I think several things had a powerful impact because they came together at sort of the same time. And the era we're talking about here from roughly 1965, maybe 1970 until the late '70s, maybe the very early '80s you could maybe refer to as Montana's second progressive era. The first one being from the 1890s maybe up through the Administration of Joe Dixon in 1924.

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But you had the Anaconda Company selling their newspapers in 1959. They had realized that they couldn't really control the public opinion in the State with newspapers anymore. Radio and television were coming in. And they--they saw their future perhaps more in South America actually than Montana at that point. And so they were kind of phasing out; they didn't have the powerful control perhaps they had before. And so that's going on and that's an important thing that's going on.

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And then Dorothy's interest about Earth Day and the environment; that was creeping into the consciousness of people in Montana, too. I mean so--Earth Day celebration in Bozeman, you know that was an important thing but there were people kind of beginning to think more along those lines. There was this feeling that our Constitution was totally outdated and antiquated. We had citizens, Boards that were appointed by the Governor incrementally one year at a time and some of them hadn't functioned very well for a long time, but most all of them had budgets of some kind or other.

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So there was a feeling that maybe we needed to draw up a New Constitution. And that was happening, you know at the same time that--that these things were all kind of coming together. And I think there was a lingering resentment that was kind of bubbling to the surface about the control of politics in Montana by the Anaconda

Company and increasingly perhaps by the Montana Power Company. And it just kind of exploded with the Constitution, the 1972 Constitution because the '71 Legislature--

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**Evan Barrett:** Well the very--the very year that you were elected, 1970--

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**Bob Brown:** Seventy-one.

00:15:54

**Evan Barrett:** And '70 in the election, the people of Montana called the Convention.

00:16:00

**Bob Brown:** Right.

00:16:00

**Evan Barrett:** And said we want the Convention. And so while you were in Session in '71 all the ground workers being late for that Special Election that year.

00:16:10

**Bob Brown:** Right and that of course got tangled up a little bit with the sales tax and--and the result was that there was a pretty big progressive victory in the election of the Delegates to the Con-Con. There were a number of Independents selected to the Con-Con.

00:16:25

**Evan Barrett:** Six Independents, there were fifty-nine Democrats, and the rest were Republicans, but the interesting thing was the strength of progressivity was dominant in that not just by Party but also just by the nature of who was elected. There were a lot of people interested. Just remember the--if there was any group of political

people, particularly interested people that were probably already attuned to the Anaconda Company dominance it would be Legislators. They were not allowed to run for the Con-Con.

00:16:53

**Bob Brown:** Right; right.

00:16:54

**Dorothy Bradley:** Yeah; we couldn't hold two offices at the same time. And I thought that was a real blessing. I have to tell you that one of the things I noticed the most was since I was the only woman in the House in 1971, in 1972 for the Con-Con almost a fifth of the 100 Delegates were women. And I thought by holding out the old guard so to speak of which I was already one--

00:17:19

**Evan Barrett:** You became the old guard quickly. *[Laughs]*

00:17:19

**Dorothy Bradley:** I became the old guard very fast. There was a whole new set of people that brought a whole new kind of thinking and conciliatory work and perspective on the toughest issues of the day to being. And one of the things that Bob and I got to do, I mean it was the great thing since we couldn't be Delegates; we got to implement the Constitutional Provisions. And that was--that was very exciting in a number of ways because the focus of environmental quality that came out of Earth Day and the whole '70s movement reflected itself very well in the Constitutional Convention.

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**Evan Barrett:** Let me just say that--

00:18:02

**Dorothy Bradley:** Right to--right to a healthful environment.

00:18:04

**Bob Brown:** Right.

00:18:05

**Evan Barrett:** --let me just say that to this day I can't see you as the old guard. I think you're at heart a reformer, changer, improver, no matter what, so I think that's your nature.

00:18:19

**Dorothy Bradley:** Bless you; may I always be.

00:18:22

**Evan Barrett:** Yeah; yeah and but all the sudden we did have a Constitution to deal with but before that happened, again the--the Hard Rock Mining Act and Harrison Fagg and he was on one of our programs talking about what--what they did with the Hard Rock Mining Act in '71 and the Montana Environmental Policy Act started us in that direction in--in a strong way to--to reflecting the need for environmental quality let's say.

00:18:52

And I think--I just want to bring up that the thing that just raised the question; what were the factors that led to this emergence? You mentioned--I mean the Earth Day kind of sense of things but wasn't the weakening of the Anaconda Company a big part of this?

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**Bob Brown:** Yeah; I think they were important together. And I want to mention too here the Montana Environmental Policy Act was sort of a reflection of the National Environmental Policy Act and remember who was President at this time. It was Richard Nixon. And so a Republican Legislator from Billings by the name of George Darrow introduced the Montana Environmental Policy Act. And it seems as though today to me at least many things are extremely polarized. And the Republican Party has kind of moved into a position where you know it's more concerned about the--the economy than it is about the environment. There will be Republicans who would argue

about that but it's more of the--the environmental protection kind of issues if that's even a term that applies in the modern context, is a lot more divisive than it was then.

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Then protecting the natural environment that we all lived in was something we can all pretty much agree on.

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**Evan Barrett:** I think protecting the environment always was a--I hate to use this term, but a--a Rockefeller Republican concept. The people who--

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**Bob Brown:** Well maybe even broader than that Evan.

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**Evan Barrett:** But keeping in mind that it was--under Richard Nixon that we got the EPA, Environmental Protection Agency.

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**Bob Brown:** Well sure and you mentioned the other Hard Rock Mining Act, the other Bill that--well that was Harrison Fagg, who was another Republican Legislator from Billings, so--

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**Evan Barrett:** So it wasn't divided by Party.

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**Bob Brown:** No; it wasn't. It was actually--

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**Evan Barrett:** Nothing like today.

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**Bob Brown:** --it was somewhat more of a unifying issue actually then than--than now it's as with many issues a divisive issue.

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**Evan Barrett:** Isn't that strange? I said that to a Republican friend of mine yesterday actually and I told him I was coming here to have a session with you guys and we were going to talk about how both Parties were united behind strengthening our protection of Montana unlike today. And he said no; we're not like that today. And I just kind of raised my eyebrows. I didn't have time for a further discussion because it--it is--if you look at it today, part of the sub-text of what we're talking about is how we don't slide backwards from the kind of reforms and progressive changes that took place. It's easy to slide backwards and part of this series is to make everyone recognize what happened so we're aware of what we're--if we're going to slide back we better know what we're sliding back from and sliding back to, which was the dominance of the--of the Anaconda Company type of things. But gee whiz--

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**Dorothy Bradley:** Well we should--we should relive a little of the '70s environmental legislation because it was a pretty extraordinary time. As I have said, it was the public I think finally thinking we're here to stay. We don't want to denude, we don't want to desecrate this place because we're going to be here in perpetuity. And I think the Legislature was really reflecting that very well. We had this extraordinary discussion in the Montana Legislature which I think all of us who were there think was breathtaking. And that dealt with what are we going to do into the future to deal with the demands of energy, coal, electrification, thermal generating, diversion of the Yellowstone River; what are we going to do with all of that?

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**Evan Barrett:** And we were the epicenter supposedly because of the North Central Studies that predicted 70 electric power plants in Eastern Montana and--

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**Dorothy Bradley:** I should go back and count but I don't know the count at this point. I've heard any number of counts, but the North Central Power Study came out saying here's the coal, here's the water; we're going to build thermal generating plants. We'll have slurry pipelines going out of Montana. The water came out of the Yellowstone River. The coal came out of agricultural people's pastures, out of their land, and suddenly everybody on Montana is on high alert. There was even language in the Federal Power Study that said this part of Montana will be a national sacrifice area.

00:23:11

**Evan Barrett:** Sacrifice zone yeah.

00:23:11

**Dorothy Bradley:** So we did have this period of incredibly productive time in the '70s. I introduced a Moratorium Bill in '73. It led to a debate that Bob can recount better than I can. I think I was so wired I don't know if I can remember even what I heard. But I want to give credit where credit is due. Why did Montana do these incredibly thoughtful policy changes in the '70s? A lot of other States out here weren't doing it. We've talked about that a little trying to think why did we do that? We had a history of corporate domination. We had the Northern Plains Resource Council to whom I give huge credit, who spread out their spokesmen across the Plains, across the Northern Plains. It wasn't an office in a city. It was people out there saying this is where my cattle are. I'm worried about what's happening to me. And we had this debate in the Montana House of Representatives about whether we should postpone development for two years, postpone more permitting of mining, of diversions of the Yellowstone River. Should we postpone this while we think about the future that we want for Montana?

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But that idea came entirely from Ag representatives meeting in a living room in Billings one year thinking you know we're so worried about our lifestyle. Where are we going? Montana has a--has at least in the last 40 years a wonderful history of activism out there in the grassroots saying we want to be--we want to have a voice in our future.

00:24:52

**Evan Barrett:** So this produced a Bill to say let's take--hold our breath. Let's take a break for two years and see what's happening before we do anything more because among other things the fear of this massive development that looked like it was coming, what happened to that Bill?

00:25:08

**Bob Brown:** Well it's a great story. Dorothy sort of threw the ham into the synagogue so to speak. And it created a great furor of activity in--so but we had to figure out what to do with that. And Eastern Montana Legislators led by Jim Lucas, one of the greatest men of all time in the Montana Legislature with the--just a beautiful orator and a--and a brilliant lawyer and a charming wonderful man, and his position was that even though--

00:25:36

**Evan Barrett:** And he was Speaker of the House that year?

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**Bob Brown:** Speaker of the House of Representatives and--and this was kind of overwhelming to the people in Eastern Montana. This you know the--the--the projection that maybe as many as 70 power plants and you know that this area--rest of the country would kind of consider to be an energy waste area, but at the same time the people from Eastern Montana had remembered that the Depression in Montana didn't start in the 1930s; it started in the 1920s because of a drought in Eastern Montana and Western North Dakota.

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And so they hadn't had any real prosperity for decades and decades and decades. And this finally was their first big opportunity to get something going over there economically. And here's Dorothy coming in with her Bill saying let's be careful. Let's look before we leap here. Let's wait for a couple years and see if we can understand how to--to implement this. Well I thought it was a great idea to do that. But I mean I didn't come from that part of the--of the State and those people over there I think were afraid that if we postponed it for a couple of years that it



might never take place or at least it may never take place in a significant way that could really help them economically.

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So there was a debate on the Floor of the House that's still remembered well by the people who were there and Dorothy and I were on the Floor you know when the debate took place. And it was essentially Jim Lucas was the, you know the guy that was arguing against the Bill. He was the main guy but there were several people that-- that you know--a number of people that argued on the Floor. It runs in my mind it was--

00:27:09

**Evan Barrett:** Wasn't John Hall one of the big--

00:27:11

**Bob Brown:** Yeah.

00:27:11

**Dorothy Bradley:** It was an evening debate.

00:27:12

**Bob Brown:** It was an evening debate so that kind of added to it somehow or other but I think unexpectedly John Hall who you could describe like Jim Lucas in a lot of respects at least, he was brilliant and a beautiful public speaker and presented himself real well, so he stood up and it was a--kind of like the Webster Hayne Debate. He debated in the Montana Legislature you know with Lucas being one and Hall being the other. And they were both just breathtakingly good, just really good. And what I remember about Lucas of course was that this is our opportunity. Why are the rest of you trying to get you know in--trying to save us when we just want to get some jobs and get some things going in our part of the--?

00:27:52

**Evan Barrett:** Please don't save us.

00:27:52

**Bob Brown:** Yeah; please--yeah perfect way to describe it. And--and Hall I remember the most memorable thing I remember about him was he had this oratorical skill of recognizing the importance of a pause you know. So I remember him saying act in haste; repent at leisure. And it was just powerful. You know at least it was at the time. And anyway, it ended up on a tie vote. And in fact, maybe it even--did it pass that night by one vote?

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**Dorothy Bradley:** It passed by one vote and then of course it came up the next day.

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**Bob Brown:** Yeah and a guy changed and then it became a tie.

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**Evan Barrett:** You needed--you lost somebody so before it went to third--was it the third reading?

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**Bob Brown:** Yeah; on second reading it made it by one vote. Dorothy's Bill passed by one vote and then on the third reading it was hung up on the--on the--

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**Evan Barrett:** Fifty/fifty vote.

00:28:47

**Bob Brown:** --on a 50/50 vote. So it didn't pass and it--

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**Evan Barrett:** It just stayed there.

00:28:51

**Bob Brown:** --is hanging there and it hung there like a Damocles sword for two or three weeks. And during that period of time the environmental faction in the Legislature was scrambling to try to do some things that would prepare us for the--for the coal development that certainly was coming. And the idea was if we don't have two years to--to wait then we're going to have to make maximum use of this Legislative Session to get that accomplished. Well the other side that desperately wanted to go ahead with the coal development and was eager to bargain to make sure that they could get started--

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**Evan Barrett:** To stop the moratorium?

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**Bob Brown:** And so it was an incredibly productive time during that Legislative Session. And Dorothy's Bill was responsible for it. I mean it was what forced the--the actions that took place during that Legislative Session that we now characterize as an important part of Montana's second progressive era.

00:29:40

**Evan Barrett:** And that was the '73 Session and that included the Strip Mine Reclamation Act--passed.

00:29:47

**Dorothy Bradley:** Yes; there was a number of Bills that passed and I love Bob giving so much credit to the moratorium but I think everybody was really ready to move. There was kind of a spirit of cooperation and let's get this stuff figured out. It's so technical and it's so complicated. I would be the first to say that those people who worked through the detail, they deserve our thanks to this day. Nothing was easy. Dick Coburg and Herb [Huennekens] and these other people--Dick had run solely to get a Reclamation Bill through the Legislature. He had relatives out at Sarpy Creek and you have to understand how complicated this was for Montana.

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Suddenly this--this resource is desired and yet the coal is the seam in the earth that's carrying the aquifer for the ranchers out there and when you disrupt the coal and take it out you know you don't know what's going to happen to your water supply. And then you're going to have these power plants, coal strip; is it going to be a company town? Is it going to be an incorporated town? It was very--it was very tough. It was like everybody said let's try to cooperate to figure out what our future is going to be. And the only--the main thing I can say is I really do think that--that is the time Montana got its collective head around the situation of we've got to think about what kind of place we want to be for the future. You know we're not going to just be ripped off by companies who leave a big hole in the ground for copper mining. We have to think how we're going to maintain the future productivity for the future generations to come. We've got to protect the aquifer. We've got to make sure that the soil will grow grass again. We've got to make sure air is okay to breathe. It was so--it was thoughtful but my gosh it was so difficult. It was very tough to get into those technical details. And I bless those people who spent their lives, their--a huge piece of their life trying to make that happen.

00:31:49

**Evan Barrett:** If you look at it, the--with the sword of Damocles hanging there the Strip Mine Reclamation Act passed. The Open Gut Mine Reclamation Act passed. The Utility Siting Act, the first one passed. The--in 1973, the Bill was passed to make Constitutional a Resource Indemnity Trust Fund that would take money from the development of resources, put it in a [inaudible] trust under the Constitution.

00:32:22

**Bob Brown:** Not just coal.

00:32:22

**Evan Barrett:** Not just coal. And then have--have it--ultimately the resources go into the localities to help out with any kind of damages or any kind of effort. Now those all happened. It seems to me in context was looking both backwards and forwards that looking backwards we had the history and the post--poster child was Butte. Butte all the way through Anaconda down to Missoula, what is now the largest super fund site in the nation was evidence of degradation of uncontrolled development. And I--and again as the weakening of the Anaconda Company people

were taking a look and thinking is this what we want for Montana? That's looking backwards. And there was real evidence that these things needed to be different.

00:33:13

Looking forward you had a fear factor. The North, the--the study about coal, there was discussion of are we going to have 10 towns of 20,000 each or 1 community of 200,000 created in Eastern Montana as a result of this? That's such a massive change and--and Tenneco was buying up water rights. People were very fearful of the future in Eastern Montana and very--and looked back at Butte development and the degradation and said that was part of the context of saying let's do something while we can. And the sword of Damocles, the moratorium helped set the state for that.

00:34:00

The RIT when the time came in the 1974 election passed with almost 62-percent of the vote in favor of it, the Resource Indemnity Trust Fund. So that's a very interesting--you guys were both players in that and observers of the process at the same time. It's interesting to look back.

00:34:19

If we move forward to remembering the '73 Session was a combined '73/'74. We had Annual Sessions but the only time we ever did under the New Constitution, so as part of that continuum in the '74 Session the Strip Mine Siting Act occurred. So there's really significant legislation you know occurring at that period.

00:34:44

**Dorothy Bradley:** And you know we should not ignore George Darrow's, MEPA, the Montana Environmental Policy Act. It sort of crept through a fabulous Republican--a lot of environmental legislation was carried then by Republicans like Harrison Fagg. But in essence I thought George Darrow's MEPA reflected the idea of the moratorium that you will have this magical moment of a--of a brief period of time where you figure out what you're doing and where you want to go. You don't just make an overnight decision. And that's what the Environmental Protection--Policy Act did. It reflected what was going on nationally. And I know we all struggle to this day with oh no, not another environmental impact statement or an environmental assessment. But the idea is very sound that we weigh what we're going to do. We--we look at all the impacts in advance and decide if that's what we--what we really want to do.

00:35:45

There was a great--it was a great idea and I think in--I think it served us very well. And George Darrow was to be so commended. It was really innovative in that--in that era.

00:35:54

**Evan Barrett:** And again emblematic of the fact that this wasn't a--a difference--major difference between Parties, it was often a difference of geography or a little economic interest here and there. But it wasn't a partisan issue; it was--it was certainly a bipartisan flavor to this. And we went to the--to the '75 Session, one of the things that happened there was in the '75 Session a--a--we did two things. We passed a Coal Severance Tax, which was the highest in the nation. Tom Towe who was on a previous program with us was the--ended up the primary driving force and ultimately it was his Bill that was used that--there was a big argument about well should it be 30, should it be 40, should it be 50, should it be 15? And it ended up at 30 and that became a statutory thing. And then the Legislature, you guys were both there supporting it, was put on the ballot a Coal Trust Fund. Miles Romney introduced the Bill didn't he?

00:37:00

**Bob Brown:** Right.

00:37:01

**Evan Barrett:** And by '75 you were in the Senate.

00:37:04

**Bob Brown:** Right.

00:37:04

**Evan Barrett:** And Miles was--

00:37:05

**Bob Brown:** Was in the Senate; yeah.

00:37:07

**Evan Barrett:** Yeah, and Miles introduced the--the Coal Severance Trust Fund, the Coal Trust Fund which said that if you're going to collect a bunch of money from coal taxes 50-percent should go into a trust fund which should aggregate over years and years and years and the benefits thereof would derive to the long--you know depleting your resources; why not have something for the long term out of it? And you do that through an inviolate trust funder under the Constitution which required a three-fourths vote of both Houses to take any money out of it. And I think it passed by 63-plus-percent when it was on the ballot. Tell us about your thoughts about the coal tax and the Trust Fund.

00:37:49

**Bob Brown:** Well it was one of the most momentous pieces of legislation probably that passed. I don't know maybe so far this century. And the guy who was principally responsible for it was Tom Towe, a State Legislator, I think by then in the Senate too from Billings.

00:38:06

In fact, at the turn of the century when--in the year 2000, the newspapers in the State, I think the lead newspapers did a study of the 100 most significant people in Montana history in the last century and Senator--State Senator Towe was on the list. He was something like 25<sup>th</sup> or 26<sup>th</sup> or something, actually fairly near the top of it. And it was due primarily I think to his sponsorship of that particular Bill, although he was a wonderfully prolific State Legislator, and a very effective one.

00:38:37

And so it was a major piece of legislation and the 30-percent coal tax didn't remain in effect at 30-percent for a long time. we talked about the projection that we'd have--I didn't remember but something like 70 of these power plants in the Northern Plains Region, well that turned out to be somewhat of an exaggeration I think. But you know it--maybe things could have played out so it would have happened that way; I'm not sure. But some people would argue and by no means everyone that the 30-percent coal tax that we imposed in Montana inhibited the development of coal to some extent in Montana. And it made it--

00:39:15

**Evan Barrett:** But a decade later it was reduced.

00:39:17

**Bob Brown:** Yeah; during the Governor Schwinden Administration it was reduced a little bit. In fact I think it was reduced I think from 15-percent down to 10-percent, so really quite a bit. But there are other factors that could have been involved in this. For one thing you--the Union Pacific Railroad had a straighter shot back to the markets in the Upper Midwest than we had out of Montana.

00:39:36

**Evan Barrett:** From Wyoming.

00:39:37

**Bob Brown:** Yeah; from Wyoming to haul the coal. So that was a factor and then also apparently the--the overburden as they call it, the amount of dirt on top of the coal seams in Wyoming was shallower than most of it is Montana. So those were factors, too. But the--I guess the point to make here is that the--there was several times as much coal being developed in Wyoming as in Montana. And that's what led eventually to the--to the reduction of the coal tax. But that doesn't diminish the important--the great importance of the coal tax because at the rate we were developing it at Montana--in Montana and the way that 50-percent of it has gone into the Coal Trust, Senator Romney who incidentally was the first cousin of George Romney who was the Presidential Candidate there for a while and I think obviously related then too to Mitt Romney, though for different Political Party but--. Anyway Romney's Bill that established the--the Coal Trust has led to a--a trust for future Montanans to benefit from that now amounts to a billion dollars.

00:40:43

**Evan Barrett:** This year it crosses a billion dollars.



00:40:44

**Bob Brown:** It crosses a billion dollars and so this feeling that we all had back when we started in the Legislature and it was developing before we got there about how we developed all this copper in Montana and we didn't really have much to show for it. We had a big super-fund site to show for it. And so the idea was this time we're not going to let that happen. We're going to try to set aside an important part of the revenue from the coal for future generations to enjoy. And I think that's been successful. So that was a huge piece of legislation.

00:41:15

**Evan Barrett:** Isn't it nice to be able to take and look at something that you conceptualized, you thought about it, and said okay; this is going to maybe start small, but it'll grow and if development occurs and if we deplete the resource somewhat and we haven't really touched it that much but it's still a depletion of the resource, we will have something to work with for future generations and then to sit here now? Here we are 44 years later--well in the case of this one it's 40 years later--and we have a billion dollar fund there that is generating interest, that supports the general fund, supports water projects, sewer, bridge projects, is invested in Montana business development; a big--I mean what a success story to feel like you were part of that.

00:42:12

**Dorothy Bradley:** It's a really nice success story. It's like everybody has to fight for it every time the Legislature is back in Session because somebody wants to invade it. So sometimes you wonder if it's just a little bit of a curse. I mean instead of dealing with the ongoing demands of revenue and what we have to do to fund the State and education and all the important things we do, everybody always says oh let's figure out a plan to go after the trust fund.

00:42:35

**Evan Barrett:** Let's go steal money out of the savings account, so to speak, yeah.

00:42:39

**Bob Brown:** Uh-hm.

00:42:38

**Dorothy Bradley:** But it is; it was an extraordinary product of wisdom and foresight and those who created it I just came along with the momentum, but it was simply visionary and it really--it's really remarkable.

00:42:55

**Evan Barrett:** We're speaking of the times and you were part of it and you didn't have to write the Bill but to reflect on those times, I mean I think of the forward--of the person who drafted it who said if you're going to try to take money--I mean this is like really I think understanding the nature of legislative--legislation and the desire that if I can take it out of a sock of money here, a can of money in the backyard and I don't have to have a tax I'm better politically so that it says three-fourths vote of each House separately to take money out of it--a damn near impossible thing to get done. That was some real thinking on someone's part. I don't know who it was whether it was Francis, whether it was Miles, whether it--who it was but it--.

00:43:45

**Dorothy Bradley:** There was a lot of great thinking and probably not enough credit is given to the many people who were thoughtful. Major Facility Siting was Francis Bardanoue. I think it was in 1975. I mean this is the person who--whom all of us simply prayed on the altar. He was such an extraordinary leader in Montana. But I think he wanted a little piece of the action. He did so much action to modernize Montana. But when he introduced the Major Facilities Siting Act I think by the time he introduced it every person in the Montana House was a signatory, was in effect a co-sponsor which just shows what feeling there was at that point that these are important things. This will mark our period of Montana history.

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**Evan Barrett:** So if you're going to build one of these things we're going to have to do it on Montana's terms. Is that the way we looked at it?

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**Dorothy Bradley:** Montana terms that's a good way of putting it.

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**Evan Barrett:** And that--and so everyone signed the Bill. Wow; that's pretty stunning isn't it?

00:44:48

**Bob Brown:** Yeah.

00:44:48

**Dorothy Bradley:** No one ever signed--I had never had that many signatories on any Bill I introduced. **[Laughs]**

00:44:52

**Bob Brown:** You know though it's interesting too to look at some of these things because the Major Facility Siting Act I think is an example of some of the legislation that was enacted in the 1970s that was pretty significantly modified in the 1980s. Then the concern was gosh all this development is taking place down in Wyoming. They've got money for things we can't afford up here in Montana. Maybe we should make it a little easier for these plants to be sited in Montana. The coal tax, which we've already mentioned; gee maybe if we offered the window of opportunity as Governor Schwinden proposed, if we--if we can entice enough more development into Montana then the--the benefit to the developers would be that they'd have to pay only a 20-percent on coal instead of a 30-percent tax on coal.

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So we were frightened of the development and we wanted to be careful about it and we wanted to look into the future and protect future generations from being overwhelmed by this. But that changed within about a decade or so, not completely but that maybe we went too far on this thing. Maybe we--you know maybe we want to actually develop a little more coal. And now that we've got these laws in place we can still do it on Montana terms and that sort of thing. And that's when the environment--not saying that it just happened overnight during that period of time but that's when you started to see it before more divisive than it was in the 1970s.

00:46:15

**Evan Barrett:** It is interesting and I'll make some observations as an economic development professional for 25 years is that when we saw the coal tax go from 30 and what the Legislature did was say it goes to 25 then to 20 and then to 15 and it stayed at 15. And they created a window of opportunity and modification of facilities siting and other obstacles were a way to say we're opening the door for this growth. And the growth didn't happen. It still has not happened. Significant growth--we are more about exporting coal than we are about actually using it in Montana to any great degree. And so the bottom line was that the promise or the--I wouldn't say promise--the hope that it would somehow stimulate economic benefit with a lot--a few more plants and a few more things that had permanent workforce and everything else actually hasn't panned out. And it's--that speaks to internal optimism and hope of people who were looking for work. As you said in Eastern Montana, the Depression started in the '20s and almost never went away. Oil now in **Inaudible** is now providing a little bit of this; it reaches out and it impacts Eastern Montana in an interesting way.

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But coal itself I think when we saw the reduction of the taxes it was not one of those supply site things where the rate went down and we doubled--cut the rate in half and doubled the production and got the same amount of taxes. It didn't work that way. But what you do when you're doing this stuff is you do what you think is right and in the 1970s what was right was protecting Montana after a near century of degradation, lack of control, lack of--.

00:48:13

Now by the way, speaking of that you had--in 1975 we had a number of things happen in '75. The--the trust fund was put on the ballot, but a Lakeshore Protection Act came up. It was an interesting experiment in--in popular politics and representation. Now who would have concern over a lakeshore?

00:48:36

**Bob Brown:** Well it might be a guy from Northwestern Montana with Flat Head Lake and Bitterroot Lake and Ashley Lake and White Fish Lake, a lot of pretty beautiful--

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**Evan Barrett:** Bob Brown I think; would it be?

00:48:46

**Bob Brown:** How are we fixed for time?

00:48:47

**Evan Barrett:** Well we're--we've got about six--seven minutes.

00:48:50

**Bob Brown:** Okay well I'll be brief because I'm sure Dorothy has another comment or two to make, too. But it was again kind of typical of that era. I think it would be more difficult to get passed now but in the 1970s and 1975 we were concerned about protecting our environment and the story is that my hometown in White Fish there was this fellow who filed a quit claim deed on a piece of property right now a little stream that flowed into White Fish Lake called Lazy Creek. And after this guy got--got ownership of the property he went there in the fall with a--a CAT, you know a crawler tractor and he dozed the bank down near the mouth of the--of the stream, not realizing or not thinking about the fact that in the spring when the water came way up little old Lazy Creek turned into a raging torrent and it washed all this fill plus a great deal more fill in--into White Fish Lake, all the--all the ground that he disturbed there.

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So the lake, that beautiful lake was--was coffee colored, you know in June and July of that summer and the landowners around the lake came to me and said Bob there's got to be a way to prevent somebody from doing something like that.

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So several of us got together on the local level; there were--Frank Morrison was an attorney there and a guy named Buster Shriver was an attorney. Gene Headman was an attorney. Charlie Abele who managed the credit union and myself and we spent some time working out the details for a Lakeshore Protection Act. But we didn't want to have to go to Helena and have them enforce it on the local level. We wanted to somehow--to the greatest extent possible to have the enforcement take place right there.

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And we provided for the creation of Lakeshore Committees on lakes that would be made up of people who own property on the lakes and who would advise the city or the county, the local governing jurisdiction where the lake was because in the case of White Fish Lake a fair amount of the lakeshore was within the city limits of White Fish. And the--there were some discussions about how far back we wanted the--the protection to take place from the mean annual high water mark at the lake and that sort of thing. But anyway all those details were worked out and the Bill passed and I think it's been real successful.

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But then it was easier to get a concession or to get people to agree hey, property values are involved in this; I mean it's in everybody's benefit to have pure lake water quality, not just for health reasons but for economic reasons--your property is more valuable. And so you had pretty substantial people owning property around the lake who agreed that we needed to do this and you also had people concerned from more of an environmental standpoint you know about the quality of the water and all the lakes in Montana.

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And so it was--it was a neat Bill and it was neat to get it accomplished.

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**Evan Barrett:** You know I think it reflects what you said about the desire for this quality--reflects on Montanans generally and I think the--I personally think the proof is in the pudding that--that if you look at one of the strongest attractions Montana has first and foremost is the tourism economy is clearly built upon a quality of Montana, one that is visually attractive, pristine, that brings people in here as visitors.

00:52:04

But if you look at people who decide--this has been my business for 25 years, people that decide where to put their business if they have that option and many businesses have the option of locating where they want to, they want to grow the economy, that the quality of life in Montana almost always come out at right at the top of the decision-making matrix of these companies. And things like taxes, you know which everyone says is the first problem, they're way down the list. Workforce, quality of workforce, quality of life are big attractions for Montana and they have meant a lot to developing the economy. So when Montanans decide to do it their way, to have quality jobs and a quality environment at the same time is not--they're not opposite each other. They become something

that works in tandem that helps develop an economy in Montana. And so we are more pristine than most places-- right now today. And a good deal of that is because of what was done in the 1970s.

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If we had continued down the course that we had through the first 75 years the way it worked in the Butte, Anaconda, down to Missoula, up in Great Falls on Smelter Hill, you know our State would look a lot different than it does today because of the work that you guys participate in.

00:53:38

**Dorothy Bradley:** So in--kind of rolling in Evan, when I think of what I might offered the most of in my wonderful opportunities to be in the Legislature I would think maybe number one was to encourage other people to be involved. I think people saw the extraordinary opportunity that I had to talk about these issues in the State of Montana. Montana lifts people up to the top if they want to have a voice and I think other people joined in and a lot of young people and I hope they still do. And I think getting them to get in the midst of the process was one of the best things I ever did.

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And if I ever had a--thanks to give it's all the people out at the wings who do all the extraordinary work. Every time you pass a Bill, every time you make a statement, every time you develop an idea, there are 100 people out there working to help you develop these ideas, who care so much about this State. And those are some of the thoughts that I leave when you give us this opportunity to express our thoughts.

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**Evan Barrett:** Uh-hm; yeah it is. Bob your kind of reflections in a broad sense on the period and--and--

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**Bob Brown:** Well luck was a factor.

00:54:54

**Dorothy Bradley:** Lots of luck. [*Laughs*]

00:54:56

**Bob Brown:** But we just happened to arrive at an enormously important time in modern history of Montana, I mean the '70s, the beginning of the middle '60s and the '70s up into the '80s were a period of time when a lot happened. And you know it just happened to be that we were the right age and you know took advantage of some opportunities--

00:55:16

**Evan Barrett:** Were you two the first baby boomers in the Legislature?

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**Bob Brown:** Well probably close to it. But I kind of look at it as though I had a front row seat on some stuff that happened that was important. And I used my position there to influence things as I could you know--as things developed and looked back and I'm extremely grateful for that opportunity.

00:55:38

**Evan Barrett:** Now here you are, the new kids on the block--

00:55:41

**Dorothy Bradley:** No; we're the old kids on the block.

00:55:42

**Bob Brown:** Now we are.

00:55:43

**Evan Barrett:** You're able to reflect upon this stuff looking backwards with all this experience that you've had and you see that in today's political environment the stuff that was accomplished in a bipartisan way for the benefit of Montana seems to be not the methodology. I mean we're not seeing this happening today in Montana or in the



nation for that matter. I would like you each--as we think about how we take a second progressive era and don't slide backwards on it, as to the differences between now and then is there anything we can do about that?

00:56:20

**Bob Brown:** Well I think optimism is a real important characteristic. And I've always tried to be an optimist. I'm having to struggle to be one now.

00:56:28

**Evan Barrett:** It's tough some days but--. We still got to stay there.

00:56:32

**Bob Brown:** We have to. You know it doesn't--you don't gain anything if you don't make any progress if you grumble and complain all the time. But I guess I know we're really short for time but I can remember as a kid in the 1950s thinking the world is constantly becoming a better place--the Green Revolution. So with chemicals we were able to feed more and more of the world and there weren't any hungry people or at least near as many you know starving in India and that sort of thing. And it seemed as though as the colonies separated from the mother countries and Africa in particular that democracy was breaking out all over the world. And it was obviously the most enlightened form of government and people were seeing that every place.

00:57:09

And it seemed like the world was just becoming a better and better place--even in the '60s and '70s when we recognized the importance of the environment and so on--that was the case. Now you know if we're realistic about it we don't see the stuff developing quite like it seemed to when we were younger.

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**Evan Barrett:** So you got a challenge of staying optimistic--

00:57:27

**Bob Brown:** It's more of a challenge now.

00:57:28

**Evan Barrett:** When you say you're bringing new people in is the biggest important thing you could do, I think there's a challenge today of young people not seeing it as a place of opportunity for change and so you know we've got to stay at it. Guys--people like us have to stay it don't we to fight the battle?

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**Dorothy Bradley:** Well it's very sad to me that I--one of the best things I do is encourage young people to be involved. But they have to be involved wherever they feel the energy to be involved. And I sometimes think fewer are feeling less inclined to be involved in policy making. They see the--the horrendous negative of the battles that we have in the State and in the country right now.

00:58:14

All I would say is hang in there; I mean policy is the most interesting thing you could ever be involved in. It is a gift to--to get to decide issues of policy, so be engaged with the people that surround you and try to understand them and share and learn from each other because that's the only way we're going to solve it.

00:58:37

**Evan Barrett:** Well thanks to both of you, in my mind giants of Montana. And Montana is still high, wide, and handsome, and we'll reflect upon that in the future and thank you for joining us on *In the Crucible of Change*.

00:58:54

[*Music*]

00:59:53

[End High, Wide, & Handsome - Environmental Legacy of 1970s Legislature]