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Restrictions:

12/16/86

Date of Agreement

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Arnold Olsen

District Judge Arnold Olsen, interviewed in his office, December 16, 1986 by Teresa Jordan. These notes are a rough transcript of the interview.

Q: The first thing I wanted to talk with you about was gambling in Butte. When you ran for Attorney General in 1948, did you run on an anti-vice platform?

O: No, but yes. I said I would enforce the law. The other thing I ran on was that I was so young, I was a veteran, and I told a lot of stories about my parents, about my family, I created a friendship with the audience. We didn't have television then, very little radio. The radio owners, they thought we would lose their audience. So we toured the state and we were the best attraction going, see, in most places. And in most places, the theater at the County Seat would let us have a rally in the theater. It was part of the entertainment in those days, and we were entertainers. That's the way it was up until my time. In 1952 it began to change. In 1956, it had changed a great deal. I ran for governor in 1956 and Hugo Aronson never did appear on television.

Q: It was such a surprise that he won that race.

O: But of course every one of the economic interests in the state and all the powers that be were against me.

Q: Was that because of your stand on oil taxation?

O: It was because of the oil royalty. The oil companies still pay as high as 50% in Louisiana and Southern California, but they insist on 12 1/2 % in Montana. In fact, the oil industry had never been in favor of free enterprise. They have always wanted to have some kind of regulation that favored them. (Talks about Texas Commission and Oklahoma Commission keeping prices up.)

The most rich men in America made their money on \$2.50 a barrel oil.

But anyway, in Montana, it is more expensive to develop oil in MT, but it is terribly expensive to develop it in Alaska. It all depends on where they find it. Of course, I have no quarrel with anybody about the past, but the American people, time and again, they are willing to be

fleeced by the oil crowd. (More about oil industry.) . . . They [the oil industry] spend so much money on candidates. Needless to say, they didn't spend any on me. Ever.

Q: Dealing with gambling in Butte, you were Butte born and raised -- how did you go about cracking down on gambling in Butte, and what was the reaction?

O: The first thing was that the legis passed an appropriation and a directive to the Attny Gen'l to enforce the gambling laws, so the first thing we did was take an inventory, hired two investigators -- just two, the appropriation was only \$40,000 -- and they would send in their reports as they travelled around the state. By the way, the two investigators were Mormons, they didn't smoke, drink, swear, or chew tobacco. (Laughter). They were real pure guys. Ahh, they were good guys. So anyways, they'd buy a beer, but they wouldn't drink it, and then they'd take a survey of the joint. So that was completed in May, April or May, of 1949. And then we'd take the biggest ones -- one was the State Line Club just east of Culbertson. Another was Teddy Treparish (sp) who had the Rocky Mountain Cafe in Meaderville at Butte. Those were the two we brought to court first. By the way, we never did bring a criminal prosecution. Everything we did was by injunction. Some lawyers would offer me a list of their clients and ask me to bring an injunction against their clients.

Q: In that case, so they could defend their clients?

O: Yes! I'll tell you, I was amazed that guys would do that, but they did. They did it in more than one city in Montana. So anyway, we brought, I think, 21 cases. We got injunctions, but they were later dissolved, and in effect, we lost every case on the subject of whether or not a slot machine was a lottery. Bear in mind that the constitution at that time provided that the legislature shall pass no laws authorizing a lottery, and they shall pass laws prohibiting the same, something like that. In the old constitution. Now the state of Nevada and the State of Washington, the state of Nevada said that a slot machine was not a lottery. They had the same constitution. By the way, all these Western states copied the constitution of what was called the Field Code of New York by way of California. California adopted it and made some changes. All the rest adopted that California version, and all these constitutions had the same identical language about the prohibition of authorizing lotteries and shall pass laws to prohibit the same. So that's the thing that I had to do. The lottery activity was in Butte, but it

was all over the state. In fact, some of the justices in the Supreme Court thought that I had favored some counties, so because of that, we took the whole filing cabinet up to the Supreme Court, so they could see that we were indiscriminate about where we went, except that we insisted that we preceded w/ our injunction procedures against the biggest operators in any given community. Now how did we know they were the biggest? There was a tax on slot machines and a tax on punchboards that was passed in 1937 called the Hickey Act. In 1937 the Hickey Act was passed because great corporations like the Anaconda Co and the Burlington Northern -- then it was Northern Pacific, Great Northern, Milwaukee -- they didn't want to pay taxes so they favored this gambling thing and it provided for card games in which the prize was redeemable with merchandise. They did that with slot machines and punchboards also. There was subsequent things done by the legislature after '37. So here I had come into the Atty Gen'l's office with these acts that provided for taxes on these games and these people operating these games contended that the tax authorized them to do these things and that they were legal. Well, I gotta tell you an aside to that. In 1949, I called for a Law Enforcement Conference. It was the first law enforcement conference in the history of MT. 8 county attorneys showed up, not a single sherriff, not a single chief of police showed up. They didn't like this anti-gambling campaign.

Q: Were they getting money from the gambling?

O: I don't know. I wouldn't want to say. I don't want to slander anybody, you know. But I had my suspicions. (pause) If they did get, it wasn't much, because these people who operate gambling, they don't want to give any money out. They want to have their hand in your pocket, and they don't want anyone to have their hand in their pocket. (laughs) Really, they are terribly tight-fisted people, these gamboleers. They're tight. So after that disappointment, we renewed our efforts greatly. And then as luck would have it, there was a county attorney in Lewistown whose name was Louise Replogle (sp). Now her name is Louise Galt. In the meantime, she married Rankin, the great attorney, and now she's married to Senator Galt. But she brought a gambling action over in her county and she got a conviction on several counts -- slot machines and roulette wheels and I think black jack, and this man, this defendant did not appeal, so I sent an emissary over to see him and told him, if he does not appeal, I will shut him down forever. So he took an appeal. Well then all the other cases I had, which were 21 in number, I took an appeal. So at the Supreme Court in 49 and 50, we had 21, 22, 23 appeals up there

on all these subjects of gambling, particularly slot machines because the others were all non lawful anyway, although the Hickey games, those card games for redeemable coins and merchandise, they were legal, but anyway, the rest were not. So my contention was that under the constitution the legislature could not possibly authorize a bunch of slot machines. So in May of '50, the Supreme Court ruled in my favor.

So, in the meantime, there was a courageous legislator from Lewistown, Fergus County, Senator Haight, can't think of his first name. He introduced a bill in the legislature that caused a referendum in that year of 1950. The outstanding thing was that in November of 1950, the state voted 4 to 1 against slot machines. Even in Silver Bow County, slot machines lost 2 to 1. So I was on some kind of wave of the future. Then we preceded against punch boards. Punch boards was a heck of an industry, too. I wouldn't dare say the numbers, although I think it was like -- well, punch boards were like \$25 million. So I don't remember just when we got the punchboard decision, but again that was a lottery and the fact that the legislature had authorized them under the Hickey Act or whatever act, and it taxed them, could not make them legal because the constitution prohibited them.

Now, we're in a different time. We have a very much more permissive society. The saloon keepers have been successful in encouraging the fact that they need the income and the populace has decided that the saloon keepers need the income, so they are authorizing this kind of thing for the saloon keepers. It's a strange thing, but it's happening. I have no objection to what the people are doing. I must say that. I believe in this system. I have NO objection to what the people are doing. And as a judge I wouldn't express any preference any way or another. I simply will administer the law as it comes to me from the legislature.

Q: Was there any pronounced resistance to your efforts in Silver Bow County? Did you find more problems here than other places?

O: It was difficult everywhere. I just want to say that when we moved, we brought manpower so that we didn't need any force. We had manpower. One time in Butte, we had the National Guard. They weren't with me by any order, but they were volunteers (laughs) but it was a day when some of the people anticipated resistance. So I came over personally, and here were these boys with the National Guard, they showed up with their jeeps and they were in uniforms. No firearms whatsoever. Matter of fact, never in any of our activity did I

permit firearms. We always went in with a lot of bodies and no other kind of force.

Q: Was that the Rocky Mountain Cafe?

O: Oh no, that was easy. The Sheriff -- that was easy. As a matter of fact, they thought -- see, what the judges did here, they granted my injunction and then the following day they would dissolve it on the condition that gambling would not occur that year. Now I couldn't complain about that, could I? Some places, gambling did occur that year, so I'd come back in for damages. I never got any, but the owners got a hell of a lecture, and so did the sheriff. We've always been blessed with really good judges in every county, I think. They had to be reelected every so often, and I had to go along with the fact that they would let people reopen their business for dining. But the judges did insist that the injunction had to be observed. But it seemed like in every case that there was some kind of technicality that permitted the judges to rule against me. Especially they would rule against me that the legislature had authorized the lottery -- or authorized the mechanism, they would never rule that the legis. had authorized the lottery, but had authorized the machines, by taxing them, licensing and taxing them. So that even though I closed a joint periodically -- in Butte, I got a closure on every single one of them because they were operating other kinds of gambling that *were* prohibited. So I didn't get a real slot machine case out of Silver Bow County. And I can't remember which counties I did get a pure slot machine case.

Q: Did they stay closed in Silver Bow County?

O: The gambling stayed closed after the judges put out the order. Oh yeah. Now they reopened with the slots and later on the punchboard cases they reopened.

Q: How did the Supreme Court decide in the slot machines and punchboards? They eventually decided that they were NOT lawful?

O: They were lotteries and could not be authorized by the legislature. The slot machine case was May of 1950, and that I don't remember when the punch board case was. But they ruled that they were lotteries and could not be authorized by the legislature.

Q: Later, in the 60's, there was another crackdown in Butte. The county Attorney, Sullivan, had a crusade to crack down on gambling. Right after he was appointed -- he was appointed rather than elected, I think, at first. He cracked down on punchboards and eventually got a raid on the Lewis S. Cohn Warehouse and got about \$15,000 worth of punchboards. At that same time, Father Finnegan had a campaign against gambling and prostitution in Butte. I've heard from some people that the charges that were brought against Father Finnegan later might have actually have been a set up because he was trying to crack down on gambling and vice.

O: I don't think so. I don't think there was any connection. The charges against Finnegan were made by two juvenile delinquents who could not tell the truth even if it did them some good. They were terrible liars. I can't understand the Attorney General's Office or the Social Rehabilitation Service for having done that to Finnegan. (Talks about case; Finnegan was set up by the boys; they were runaways, told story to save themselves. Finnegan was tried in Olsen's Court; unanimous verdict of acquittal "but it has destroyed poor Finnegan. Those are charges you can't recover from." [Charged with homosexual acts, abuse, etc, at Denny Driscoll Boy's Home])

Fr. Finnegan's father had the deluxe bar on Front Street and between his father and his mother, Finnegan was left some money and the Bishop spent the money defending him. But I thought, it was such a tragedy. We lost a good place for boys. It was an excellent facility. Tragic. And nobody else wants to get in the business around here.

Q: You can understand why.

O: Yeah, it could happen at the Yellowstone Boys Ranch. Believe you me. An irresponsible charge. That's a multi-million dollar thing down there, I believe.

Q: In your race for governor in '56 and for the Supreme Court in '58, what role do you think that the Anaconda Company in particular played?

O: I wouldn't blame them alone. It was the powers that be. It wasn't them alone. The big economic interests. I beat Jim Harrison, in the primary in '58 by 15000 votes. He beat me in the general by 15000 votes. Because I didn't have any money. This non partisan

candidacy is a terrible fare by the way, there is no such thing as a non partisan candidacy.

Q: I was surprised to see it passed in Butte.

O: Well, people like the sound of it. But if you are in an election except in Silver Bow County, I would never run on the non partisan ticket. I thought I would have a good shot at Chief Justice this last time but Turnage and Kemmis, I would have had a great shot at that.

Tape 1, Side 2:

O: This non partisan candidacy, you are absolutely dependent on economic interests when you are running non partisan. That's what it is. You have no party. Economic interests are going to change the Supreme Court. I know exactly how it is happening. I can remember when everybody on the Sup Ct was a democrat. By 1938, everyone on the Sup Ct was a democrat except for Johnson. There were 5 members, four were democrats. In the 1937 legislature, this man Edmund Toomey (sp?) came up with the idea and promoted it that they should be nonpartisan. Finally they got it passed because it sounded so good. Since then, they've been getting Republicans on the Sup Ct. And it's going to get worse, because these are terribly conservative people that are being elected. Jean Turnage, Fred Wilbur . . . the most conservative people in America, I can name three of them right there. And they are nice people. They couldn't get elected if they weren't nice people. But they are terribly conservative.

Now in Butte, you see, Butte's a different place. There is no one who can touch me or Sullivan, I don't think. But I'm getting to the place -- I'll be 70 years old tomorrow. I may run again. But people like Sullivan and me, we couldn't run a state-wide race without some money, and we can't get any money because we are not a member of a party. It's a terrible thing, this non partisan thing.

Montana Power Co, the Anaconda Co, the Burlington Northern, some oil companies -- look what they did to Tom Towe. And now that was partisan. And he's one of the best. Really really thoughtful man, but he believed in equal taxes, and you can't believe in equal taxes in Montana because -- for one, the ranchers don't want to pay any taxes. I don't think the farmers and ranchers ever have paid any taxes. (Talks about taxes on agriculture; ex of Forbes Ranch in the Park County, sold to Church Universal and Triumphant, assessed valuation

about \$189,000; taxable valuation \$24,000. Total acreage \$11,736; total tax in the county, \$6328, included garbage assessment, personal property, cattle and machinery. Sale price we don't know, but somewhere between \$4 1/2 M and \$7M. "I sound like a politician again. You shouldn't have come because that makes me a politician all over again." Got info over the phone; Forbes had done some great lectures on free enterprise in Helena; Olsen was really enthused about it; then Forbes sold the ranch, then Olsen knew "here's a great free enterpriser who never pays taxes." Talks a little about the Church.)

Q: In your congressional career, what were the major issues that dealt with Butte? For instance, were you involved with the Model Cities appropriation?

O: I'm the guy who got it. There were only 10 model cities in the United States, and I got two of them, one in Helena and one in Butte.

Q: Tell me about that, tell me how that worked.

O: I was on the Public Works Committee. And I supported Daly of Chicago when he needed money for the Skyline Freeway -- tollway it was, the Skyline Tollway. We could give money to the freeway anywhere, but we couldn't give money to a tollway. I was chairman the day he was heard. So, he instructed his people from Chicago to help me. And so they did. And that was just a piece of it. And oh, there was another leader on the Public Works Committee, Harold Johnson from California. Course, Buckley of New York was chairman; he never showed up, but he sent me his proxy. So that's that way those things happen. The first vocational educational school authorized in the United States was in Butte --Vo Tech -- Federal money, I'm talking about.

Q: Was that one of your projects?

O: Yeah. Carl Perkins was acting chairman of the committee on education. I had befriended the preacher from New York, the black preacher, Adam Clayton Powell. See, all these people were my friends, Otis Pike -- do you see his column in the paper, Otis Pike -- we were very close friends. Hugh Carey, Kelley -- Hugh Carey was the congressman from Brooklyn and he had just barely beaten a Republican in a special election so there was going to be another election right away. He asked me to go up with him because Brooklyn has so many Norwegians. The secretary of the United Nations was a Norwegian --

I'm terrible about names now -- there was a Norwegian Independence Day the 17th of May, and they have a big parade in Brooklyn. So anyway, his daughter and he were there, and he was Secretary of the UN and I got there with my wife, and I asked where are we going to sit, and he said, you are going to sit here with me and my daughter, and I said, Hugh Carey and his wife are here with me, so he moved them up with me on the stand --(laughs)-- and all the Republicans sat on the back, on the grandstand. Louey (sp?) was his last name [the Secretary of the UN]. I'll never forget, he said, which do you suppose is the 3rd largest Norwegian city in the world. Of course, no body answered, he went on with his speech. The largest city is Oslo, the second is Minneapolis, the third is Brooklyn. That's how large the celebration was in Brooklyn, and I didn't know that. Hugh Carey was the congressman and it was a tough race and he credited me with helping him turn the balance because I got him on that speaker stand and then he had a lot of Norwegian friends who took him through the Norwegian homes that day. We left and went back to Washington, my wife and I. But anyway, he became governor of New York. But you know, you make friends, see. That's how you do things in Congress.

Adam Clayton Powell, you know, they voted to censor him, they voted to expell him. There was a black man from Philadelphia whose name was Robert Mix, whose son, by the way, is Chief Justice of the Supreme Court in Pennsylvania today. Robert Mix was a friend of mine. He had been my next door neighbor in my first office back there in the House office building and I'd asked him for favors and he'd asked me. Anyway, this day when they were having the censorship and expulsion of Adam Clayton Powell, I'd just got back from Montana and didn't know what was going on, and he met me in the hall and he said, "Arnold, I want you to do me a favor today," and I said, "Oh, what is that," and he said, "Never mind what the favor is. I want to know if you're going to do me a favor." I said, "Jesus, Bob, why don't you tell me what it is?" And he said, "I'm not going to tell you. If you don't know, I'm not going to tell you." "I said, OK Bob, whatever you say, I'll do it." "OK, you got to sit with me."

Now on the House Floor, there are no assigned seats, everybody sits where they want to. The Democrats, by the way, sit on the right hand of the speaker and the Republicans sit on the left. The left winger thing, by the way, comes from England where the left wingers sit on the left of the speaker and the conservatives sit on the right of the speaker, but in our house the Democrats have always sat on the right hand side of the speaker. Well anyway, we were sitting over there on

the far right hand side and here it comes. I had to grin and said, "You son of a gun, you got me Bob." So I did exactly what he wanted everytime. Well, it sure put me in good stead. Adam got sick and he was down at Biminy (sp?) and he was dying of cancer but nobody knew it. I didn't know it, no one did. He was sick, he wasn't there. Comes up these programs for Vo Tech and so I went to see Carl Perkins from Kentucky and zip, he said, "You were with Adam, you get it." And I got the first one.

So that's how we got the Vo Tech.

I'll tell you one more story, and then I've got to go. I told you about Daly, Mayor Daly of Chicago needed help to raise Skyway Tollway. And the day that that happened, John Klusinski (sp) was chairman of that subcommitte on roads, but he was from Chicago and it would look terrible if he was chairman listening to Daly. So they put me in the chair and I treated Daly real respectfully. Matter of fact, I agreed with him very much. The fact of the matter is, Montana would be in the mud even today if it weren't for the fact that these big cities have a lot of people paying the gasoline tax and their cars are never on a Federal highways, or very rarely. So it's the big cities of America that paved the rural areas. I knew the figures then; I don't know them now. So I complimented Daly, and in those words I told him that I thought that the rural areas owed a lot to the big cities because they absolutely did our pavement for us. So, I sat for many many days on many other people, like in Oklahome, they needed five miles to connect the Interstate, and in Gary, Indiana they needed seven and so forth (laughs). This was Klusinski making it look legitimate, keeps me in the chair to hear all these amendments. So then when it comes time to mark up the bill, Klusinski is back on the chair and I'm making the motions because I was the chair and had listened to all that, so everybody that needed a mile, I made the motion, and it passed. And then finally I made the motion, this was the last motion, that all Interstate must be four lanes as a matter of safety, and it passed. (laughs). Went to the House Floor, and nobody even noticed it. And in that amendment, I got more miles, four lane, than anyone in the United States. More than Texas for goodness sake. It was amazing.

Q: For Montana?

O: Yeah. It wasn't until it got on the floor of the Senate that someone discovered how many miles rural areas got. (laughs). And particularly

my district, because I have the North-South Interstate and the East-West Interstate.

Q: That decision for the interstate to have both freeways go through Butte was made before you were in Congress?

O: Oh, we nailed that down in the bill, too, except the state of Montana dug its feet. A friend of mine whose name was Turner, he was director of the Bureau of Public Roads, he not only nailed down the route, he nailed down every interchange.

Q: Where was Turner from?

O: I don't know. Turner was the Director of the Bureau of Public Roads. When I got friends with him, was that he was the director of the roads under Roosevelt -- well, he was not director then, but he was in the Bureau of Public Roads in that time, and he laid out the AlCan Highway from Montana to Alaska and so I had sponsored a program that we would improve it and we arranged an agreement with Canada that we would pay for the construction if Canada would maintain it. We had hearings from Salt Lake to Butte to Great Falls, up in the Yukon, we went into Fairbanks, Alaska and Alaska didn't want it. They wanted to fix some roads IN Alaska, from Fairbanks to wherever to wherever, down to Valdez, INSIDE of Alaska, so I couldn't move it. Two senators from Alaska was too much for me to beat. But anyway, Turner gave me everything. Even an interchange out here by the Country Club, which wasn't in the plan. And some of my friends wanted that interchange out at the Country Club (laughs). I called up Turner and he changed the plans, built me the interchange, and oh, some others, too.

In any event, that was a great triumph was to get it mandated that all Interstate must be four lanes.

Q: A lot of construction dollars for Montana.

O: Yeah, but we did that, by the way, in 1966, and it was a real sneaker. And in the Senate there were objections on the floor, you know, but boy, good old Mansfield, he smoothed that out. He said, well, we can't send this back to the House. Who know's what we'll get back -- matter of fact, he even used my name. He says, Olsen, you don't know Olsen, you don't know what he'll tag on this bill next time. He says, this is probably the cheapest bill we can get (laughs).

Q: Having the two Interstates through Butte is certainly one of the most important factors right now for Butte's future. And that was finalized during that 1966 bill?

O: Yes, and then Tom Judge did the rest. Governor Judge. This is after I was beat and was back home. And the legislators were still arguing about how they would put up the state's money, but the Federal money was committed to go through Basin, Butte - Basin - Boulder.

Q: I guess in what was it, '73, there was a big petition here, 17,000 signatures or something, to bring it down through Basin.

O: Yes, but we had nailed it down with the Federal money, I didn't think it would be changed.

Q: Well, it's certainly been a Godsend to Butte.

O: Absolutely. And you know, if they had run it down from Boulder, across what they call Black Tail Hill, or Black Tail Pass, directly south of Boulder to Whitehall to Twin Bridges to Dillon, then the highway would have been a bridge through Montana, which is what Burlington Northern was. BN would rather not stop in Montana at all. But when you run it through Butte, which is a considerable cosmopolitan place, then the traffic will stop. I don't think anyone would stop between Dillon and Great Falls on that other road. But now people stop in Butte on that Interstate. Which is good for Montana, never mind Butte. And of course, I know, in my heart, that if we are careful, never again will we abandon a city in America. We will feed the cities. Because that's where people want to live. We will promote cities. It would have been a tragedy to abandon Butte. Because if you look around, Butte is coming back so strong. It's not going to be a great city, but it's going to be a good cosmopolitan city. There are so many things going for it, and there are so many people who thrive for Butte, they really are a great people here. There is tremendous energy to this community

Q: You look at the turnaround in Butte in the last three or four years, and it's because of the people.

O: Gee, when I got this job, 11 years ago, Butte was thriving, and so was Anaconda, and they've had all these³ disappointments in the meantime, and now they are coming back.

Q: One thing that Butte has done, they have good leadership, real aggressive leadership, and also a really strong population that is not going to stay down. But one thing over time is that Butte has managed, time and again, to get Federal money in here -- with the highway system, with the Model Cities program, with MHD and MERDI and NCAT. The loyalty Butte seems to have inspired in its legislators . . .

O: I think another thing, it is the strength of the Democratic Party. The Democratic Party is a thinking, progressive organization all over the United States. And when they are in charge in the Congress, there is progress. They will try any idea. It's a wonderful system. It's a wonderful cooperation that the Democrats have. They bring everybody into the tent. And they are in favor of government, and government projects. I'm not going to say anything bad about anyone else, I'm just telling you the Democrats are progressives. Call them any other name you want to, but they are progressive. And I'm sure we waste a lot of money, the Democrats do, but they're trying and they believe in people projects. And they have never generally, they've never really been against any kind of business. I tell you, all the time I was in Congress, we accomodated the Anaconda Company, the Power Company, we accomodated them all. But we expected them to accomodate our progressive programs. I didn't want to hear the Anaconda Company come in and tell me not to vote with labor. I'd throw them out the door. Because everybody is entitled to a piece of the pie.

Now, where are you going to print this? I won't look like a judge anymore (laughs).

I don't voice these things, you don't see me in the press about anything in the last eleven years, so we are just reminiscing on my political days.

Q: The things I'm most interested in are these stories on how things got done. That's just fascinating.

(Judge Olsen talks about Louise Galt in Fergus County, a courageous county Attorney.)