

Transcript of Stanley K. Hathaway
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This interview was conducted by John Hinckley. 7/28/1977

Tape 1

HINCKLEY: Governor Hathaway. You were Governor of Wyoming for two full terms - eight years. That's longer than any other person in our history. Why did you decide to seek the office in the first place?

HATHAWAY: Well, that's an interesting question. I haven't thought about it. I suppose like most Wyomingites I felt very grateful to the State, to the people of the state and the opportunities I've had and I felt an obligation to do something for the State. Actually, I made up my mind to run about two weeks - my strategy was not to plan a career in the governorship.

HINCKLEY: As I remember, you were the Republican State Chairman up until the decision, were you not?

HATHAWAY: That's correct. I was State Chairman for 1964-65. I resigned in the spring of '66 when Milward Simpson announced that he was not running for the Senate and Governor Hansen announced he was going to run for the Senate there was suddenly a vacancy in the governorship. Some of my friends encouraged me to run and two weeks later I was running.

HINCKLEY: In the decision, of course, suggests your background, Governor Hathaway, comparing your public career with the other three governors we'll be interviewing - you had a much more consistent involvement in the political party than these candidates did. Theirs varied from Cliff Hansen's chairmanship of the Stockgrowers Association - he had no service in the legislature. Would it be safe to say that if there is such a thing as if it's safe to say there was a route to the State House, that yours was the political party?

HATHAWAY: I imagine you'd say that. I was the first State Chairman to my knowledge ever elected to high office in Wyoming...one of the first in the Western part of the country. That normally is not a good route for a candidate...

HINCKLEY: It is not a good route?

HATHAWAY: No, because you make a lot of people mad when you're chairman of a party. It's ironic that I was not a very successful state chairman. We lost most everything over the years. Apparently, there was some sympathy for me.

HINCKLEY: You had been active even in the Young Republicans both in the state and national - nationwide.

HATHAWAY: Yes, I got interested in the party back in the early '50s. People like Milward Simpson and Harry Thorson encouraged me to become active in the organization. My wife was also involved. But it's not a route to travel generally for high office.

HINCKLEY: Well, Professor Richards, Governor Hathaway, describes the roles of the Wyoming Governor – this is a standard textbook sort of representation – as being six fold: Chief of State, Chief Executive, Chief of Party, Chief Legislator Chief Federal Officer and Chief Board Member. He includes the usual Commander in Chief in his executive role -- like the national representation of the office. What was your most memorable experience as the Chief of State? This would be a ceremonial thing.

HATHAWAY: I suppose adding to that definition you might say that being the Governor of Wyoming is a jack-of-all-trades and master of none. I think Milward Simpson referred to the job as being “mayor” of Wyoming. Oh, the most memorable ceremonial occasion, I think, was entertaining a delegation from the Soviet Union in 1974. This was a return visit. Eight governors – I was among that group – the first American governors' group to ever visit the Soviet Union. They had a return visit and John Love and I entertained Russian leaders in Wyoming – floated the Snake River, stayed in Coulter Bay and spent some time in Yellowstone.

HINCKLEY: You also entertained Prince Phillip, I think, didn't you?

HATHAWAY: Yes, we had the Prince in Sheridan in 1972 or 3. I'll never forget that. The ladies along the airplane or airport fence nearly swooned when he came down to shake their hands. The Prince landed his own plane..or jet. Fascinating man.

HINCKLEY: Wyoming is not organized for this type of protocol like the president, for instance. What does the governor have in the way of resources to manage the ceremonial role of that type?

HATHAWAY: The standbys are the National Guard, the Wyoming Highway Patrol and the Wyoming Travel Commission. No, we have no office of protocol. We just try to show them a little western hospitality.

HINCKLEY: What about your role of Commander in Chief besides reviewing the National Guard in the summer time? Have you ever had the occasion to call out the National Guard?

HATHAWAY: Yes. Couple times. I enjoyed that role as an old tech sergeant in World War II. I suppose I relished the capacity to tell the generals what to do once in a while. I'll never forget my third or fourth day in office when General Pearson and General Outson came into my office and pulled up in front of the desk and saluted. It just overwhelmed me! I didn't know whether to salute back, stand up, sit down or what to do. I called the Guard out on some disasters. I suppose I was the first governor...no, maybe Governor Campbell did with the Chinese affair over in Rock Springs. But, I had to call

the Guard out twice on civil unrest – the first occasion was here in Cheyenne during Frontier Days. It was '68 or '69 when Mayor Cox called me late in the evening and said downtown Cheyenne was completely out of control and he had to have some help. So, we sent about 150 guardsmen down there. Interesting thing about that, after I had called the Guard out I heard what I thought were rifle shots – I was at the Governor's Mansion about 1 o'clock in the morning. I got on the phone and called General Carson and I said "General, I told you to go down and try to help bring order, not to shoot anyone." He said, "We haven't fired any guns. Those are cherry bombs." We had to call the Guard, we didn't use them but we had them ready to use on a couple occasions at the University – the Black 14 incident and the Kent State incident – the flagpole incident at the University. We didn't actually use them on the campus. They were just alert.

HINCKLEY: That would have been the Laramie unit of the Guard?

HATHAWAY: The Laramie unit with some manpower from adjoining....

HINCKLEY: Did any of those reach a crisis condition, would you say?

HATHAWAY: The Black 14 didn't but the flagpole incident became quite critical -- the Kent State sympathizers had lowered the American flag and put a black flag under it. The people who didn't want the American flag toyed with were starting their own counter demonstration and I had considerable fear there might be bodily injury -- perhaps loss of life.

HINCKLEY: This was shortly after Kent State wasn't it?

HATHAWAY: Within three or four days....it was in the fall, as I recall, 1970 or '71.

HINCKLEY: Well Governor, these unusual powers, more exclusive powers....the power of pardon...did you ever exercise this power extensively as governor – pardon or commutation?

HATHAWAY: I didn't ever have a death penalty case before me. Governor Hansen had the last one. At the time I was elected Governor, we had one man on death row – the case never got to me -- and he got a new trial. Shortly thereafter, a Supreme Court decision came out and there weren't any more...during my entire term any death penalty cases.

HINCKLEY: Was about non-death penalty commutations. Capital crimes?

HATHAWAY: Well, we of course lowered a lot of sentences. At the time I took office, the five elected officers served as a Board of Pardons. In that process for over five years, we commuted a lot of sentences.

HINCKLEY: You could have done that individually, couldn't you?

HATHAWAY: The Board didn't have the power of pardon; they had the power of commutation. I could have pardoned...I did pardon some people who led an exemplary life after having committed a felony. I don't know how many – perhaps 50 or 60.

HINCKLEY: Perhaps this is a good time to answer the question of Doug Parent? A man convicted does not receive his civil rights at the completion of his sentence. Is it an automatic action to restore his citizenship by the governor or must he go through some kind of proceedings to have his voting rights restored?

HATHAWAY: As a matter of policy, I think that the first offenders, when they were released, their civil rights were automatically restored. If they were convicted of one felony, they must petition the governor – we have a statute that 25 ___? sign a petition in behalf of an individual requesting that his voting rights, right to bear arms, etc be restored. And the governor acts on that.

HINCKLEY: And that is the governor's action, not a judge?

HATHAWAY: That's solely the governor's action, yes.

HINCKLEY: The question inevitably comes up of your law enforcement resources as governor. Is it fair to say that you could be described as a strong advocate of law and order in your term as governor? What resources does the governor have besides the guard as law enforcement agents?

HATHAWAY: Well, I suppose you could categorize me as strong for law and order. The eight years I spent as a prosecuting attorney probably helped put me in that category. As far as resources – the highway patrol we used on the civil unrest. For example, we had 5,000 motorcyclists come into Sundance and I didn't want to use the guard. We rallied 50-60 patrolmen and they handled the matter. But generally, the Highway Patrol has no jurisdiction in the investigation of felonies – they're strictly a traffic control organization. We started the first state investigative force. Jim Barrett was the Attorney General and he and I decided that to assist local law enforcement the state should do some things it hadn't done. We started out with one investigator – he happens to be in the press now. We hired Neil Compton. He was a Los Angeles policeman and we thought he did a good job assisting local law enforcement agencies. Only on their request – we never attempted to go in and take over a given case. By the time I left office, he had a staff of four or five investigators.

HINCKLEY: But they investigate only on request from the county or local community. What about the Attorney General? Can he initiate anything?

HATHAWAY: The Attorney General and the Governor, if they think it's a matter of statewide significance and especially if it involves state government, he can investigate that. Over and above that, he acted only on the request of a local county attorney or police officer.

HINCKLEY: As governor, could you have fired a recalcitrant county attorney?

HATHAWAY: No.

HINCKLEY: This would be a limitation on removal powers?

HATHAWAY: The governor has authority to ask the Attorney General to bring legal action against a county officer. I had several requests to do that. Being very conscious of jurisdiction of authority, I always managed to stay out of those. If there was a local capacity to handle the matter – the county commissioners have the authority – the power to remove. It seemed that the requests I had occurred about the time of an election and I could smell the politics in the situation. Let the people of that county decide whether they want to retain this official.

HINCKLEY: The question came in part, I suppose, from a news item concerning the administration of Milward Simpson to the effect that he had removed the county attorney in Teton County for failure to enforce a gambling ordinance – that's what led me to the question, how he could have done that.

HATHAWAY: Well, if he did it he must have done it through a civil action brought by the attorney general.

HINCKLEY: Of course, Governor, we are most interested in the broad executive administrative duties of the governor plus his role in policy making. You share much of the first function with four other elected officials. Does this arrangement make for a vigorous and responsible executive?

HATHAWAY: Well, in ways it does and in ways it doesn't. I think the sharing of intelligence and the vigor of other people is good. I think that we got along well with the other state elected officials. But that opens up a broader subject which you mentioned in your letter – about the lack of power of the governor. That's very true. Not only that sharing with four other elected officials but the growing up over many, many years of the board and commission system, I'd have to say as a Republican that this was mainly a product of Republican thinking in that they in the earlier days felt that in the years they didn't control the governorship, they could still pretty much run the government with boards and commissions – the lap over of appointments. Well, there are many departments of government that the governor of Wyoming didn't even have a vote on. You'd appoint the commissioners but that was the end of it. They selected the end of the department, the directors or superintendent – whatever it may be. I found some of those departments to very unresponsive to what I thought was the public will. We enacted some legislation during my term that gave the governor some authority with respect to those boards and commissions – at least gave him a vote on many of them that he didn't have a vote on them.

HINCKLEY: The responsibility for the creation – would that be principally in the legislature?

HATHAWAY: Well, sure. The legislature created the boards and commissions.

HINCKLEY: I noticed that you of all the governors that I've researched seemed most dedicated to this business of reorganization and you appointed a blue ribbon committee – I think Harry Thorson was chairman and this committee made a report to you. I wonder if you could tell us the history of that – just kind of a case history of all of your efforts of reorganization, what they recommended and what you actually did to effect their recommendations.

HATHAWAY: Well, the reorganization effort started back with Governor Miller. He commissioned a study -- the Griffen-Hagen report I think they called it. Some reorganization came out of that – not much. Governor Hickey got into it pretty deeply and I think was making considerable progress but when he appointed himself to the Senate, that sort of dropped off. I felt that the government of Wyoming needed to be modernized and there needed to be clearer channels of executive authority and I think thought the legislature had become weak. I was amazed to find that 90% of the major legislation came from the Governor's desk in my earlier years in office. The legislature simply did not have the capacity, the staff, the resources to generate it's own legislation. Believing in the separation of powers, I thought that was wrong. We lost an effort – I appointed a legislative executive reorganization commission. Mr. Thorson was the first chairman. I had former Governor Gage on it – he was very productive. Had Scotty Jack – he was also very productive. Ed was on it for a while as a legislative representative – not the initial. Duke Humphrey was very productive on the commission. Everything in the first go around that the commission recommended passed.

HINCKLEY: They would have been appointed in the winter of '68 for '69. What were the principal ones?

HATHAWAY: Well, we started the Department of Recreation. We consolidated the old State Parks Commission and the Land and Water Conservation Commission. We reorganized the promoting arms of the government -- the Natural Resource Board and called it the Department of Planning and Development. The state had no planning function – the original DEPAD. We consolidated Health and Welfare and brought vocational rehabilitation into it and it became the Department of Health and Social Services. That was Dr. Humphrey's assignment. That was a good move. We felt it was necessary – they were spending so much money in that department with so little control. They had to be brought together – they wouldn't even walk across the hall to talk to each other – the welfare people and the health people. We tried to bring them together. The one thing that failed and failed continually was the Commission's recommendation to make it more simple to amend the Wyoming constitution. That was brought forth three times and failed every time. The Legislature did not want to – they felt they were giving up part of their prerogative. They didn't want the people to amend the constitution by a majority vote of those voting. We couldn't get it submitted to the people. I feel confident that it would have passed if we'd have had a shot at it.

HINCKLEY: In the same tenant, you also responded one time to a proposal by one of the legislatures for a constitutional convention – I don't remember the individual. You were quite sympathetic as I recall provided that it be preceded with a very careful two-year study anticipating the difficulty of ratification as much as anything. What do you think about a constitutional convention now along those lines –very carefully structured?

HATHAWAY: If it were given the study it needs – if you appointed a broad-based commission to study the Wyoming constitution for at least two years –maybe longer -- and iron out all of these snags. I think it's a very worthy – I supported those efforts but the legislature – the majority didn't want to support it. Our constitution is not sacred like the Constitution of the United States of America. I'm not saying it's a bad constitution but a lot of the language –like the statutory language –there's too much detail; it needs to be reworked. But at that time, this craze was on nationwide. State after state would come in with a new constitution and people would turn it down.

HINCKLEY: New Mexico had that.

HATHAWAY: Montana's one of the few..and Michican, Romney got the job done.

HINCKLEY: When I read your comments I immediately thought of Romney because they did an awful lot of planning and they devoted an awful lot of time to ratification, which New Mexico didn't and it failed, which is an awful waste of time and money.

HATHAWAY: Oh, it's a tremendous waste of resources because for every success there were ten failures. In any event, this needs to be done some time and that's one of the things we weren't able to do. So, I embarked on the course of trying to do it more peacefully. And we needed to simply this constitutional amendment ratification. We got several constitutional amendments through that were important.

HINCKLEY: You indicated that the two most important constitutional amendments that that Wyoming would ever vote on was #1 – the 12 mil statewide education levy and #2 – the mineral severance tax trust fund.

HATHAWAY: We were successful in getting the permanent fund amended through. I was shocked when the 12-mil school levy didn't pass.

HINCKLEY: Makes such marvelous sense.

HATHAWAY: I was amazed in the political campaign that year – those that were against it and yet, it was in the self-interest in all but about three counties in the state to see it pass and it still failed. Another very important amendment we got through was home rule for municipalities.

HINCKLEY: That was promoted to a large degree by the League of Women Voters as I recall.

HATHAWAY: They were helpful and of course, the municipalities themselves -- in my first term, we tried that twice and lost. In the second term, we finally got it on the ballot and passed. I don't think the municipalities have begun to exercise that power that they have that yet. I think there are many things that they can do.

HINCKLEY: Are they aware of their opportunity?

HATHAWAY: Of course, it has a limitation on taxation but as far as administering the affairs of the municipality and the area around it I think there are many things they can do that they haven't.

HINCKLEY: What about the provision for joint---I think it's called the Joint Powers Act, isn't it? What's the future of that? Isn't it a contemplative..cooperation between county government and....

HATHAWAY: That was one of my brain child and I have been disappointed in its effectiveness although it has done quite a bit of good. The reason it hasn't been effective is the innate jealousy between ---the jurisdictional jealousy between towns and counties. If you can eliminate more of that jealousy, the joint powers authority gives almost unlimited opportunity to serve the public -- to build public facilities and finance it.

HINCKLEY: Jealousy does seem to persist in Wyoming. Town and county. For Instance--Cody-Powell, Riverton-Lander, Lovell-Greybull, Lusk-Torrington --they're all independent of each other.

HATHAWAY: That's one thing -- the jealousy between two municipalities....you can name a lot of them -- Pinedale-Big Piney. You named Cody-Powell, Riverton-Lander. The big problem is between the county and municipality. The counties do not really think they need to do much with the municipality but in the impact area-- that's where the problem's are. The tax base is out in the county and counties like Campbell, Sweetwater haven't done enough for municipalities.

HINCKLEY: object to revenue sharing formula which is giving the municipalities a greater share than counties. Is that a fair....?

HATHAWAY: No, I don't think it's a fair objection because a municipality needed the money much more than the county.

HINCKLEY: You've hear that from county commissioners?

HATHAWAY: Oh yeah. In some county, a friend lives in one and it's a very hard put. My old home county of Goshen always is pinched at the 12-mil levy. Their assessed valuation is going so slowly. I think it gained \$4 million this year. Sweetwater-- I think has approached -- people thought I was crazy when I said five years ago that both Sweetwater and Campbell County would be over a half billion in assessed value by 1980.

There isn't any question that Sweetwater will make it. I don't think there's any question that Campbell will make it in another three years.

HINCKLEY: Another one of your goals was to be redistricting.

HATHAWAY: Of the legislature? Yes. I didn't spend as much time on that as the legislature did itself. I could see that the politics of the thing but it...I believed in it. I supported the Republicans in the legislature but I didn't go home and lick my wounds when it lost.

HINCKLEY: That was one of the rare filibusters in the state legislature, wasn't it? A party filibuster – the Democrats actually mounted a filibuster against the...

HATHAWAY: It went on for some three or four days and you know that's critical...it was at the end

HINCKLEY: You've raised another question which is of course if very crucial. A fairly standard representation of the lobbying component of government, which will refer to the governor or the executive department as one of the chief lobbyists. My question would be, how did you go about having your way with the legislature? I don't mean that in a pejorative sense at all. The executive agenda, you indicated for us is that the legislature just didn't seem to have the resources to produce its own policy agenda unless the governor had sort of pre-empted that. I presume that your agenda would be in your state-of-the-state message largely.

HATHAWAY: Well, we had legislation prepared on all those recommendations. I found it effective to let a member of the legislature call on me and ask me to introduce its bills. I didn't try to seek out those sponsors...they would come when they felt it was their.....

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Tape 2

HINCKLEY: Governor Hathaway. In your management of the executive...how effective were you in promoting your own executive policy with the legislature and how did you go about it?

HATHAWAY: I had my ideas and the ideas of others of what I thought needed to be done and we prepared legislation to implement this. I found it effective to let the members of the legislature come to me -- especially the members of my own party - bills that were forthcoming and they wanted to introduce them and they got behind them. In Wyoming, I don't know whether it's true of other states, but the Republicans always invited me to the legislative caucuses. I found this to be a good vehicle. I campaigned for legislators. I talked about them and their jurisdiction and they felt some loyalty to me for that.

HINCKLEY: You knew your legislators individually.

HATHAWAY: I knew them very well. I suppose one thing that was an advantage. I never served in the legislature although I had a very healthy respect for it. I vetoed only two bills in eight years. I tried to get the bills the way I wanted them so I didn't have to veto them. Because I had a strong belief in the separation of powers and a healthy respect for the legislative process they didn't always see me as a competitor. I tried to make it a team effort.

HINCKLEY: In both of your administrations, you were blessed with four party members in the executive -- of your party and Republican control of both houses.

HATHAWAY: That's true but I'd like to say this in that regard. I had a good relationship with a number of the Democratic legislators. When our majority was very high -- it was better than two to one in a couple of sessions, I started having trouble with the Republicans in the legislature, I could go to my friends in the other side of the aisle and got their help. They always felt free to come in. I tried not to be apolitical all the time.

HINCKLEY: You got your majorities wherever they were.

HATHAWAY: Wherever I could find help. If the program made sense, it was easy to get support.

HINCKLEY: You mentioned a study made of several states --the study of gubernatorial/legislative relations which gave you got rather high marks. What was that?

HATHAWAY: A study done by a man at Iowa State University. He studied 20 states. He sent me a copy of his study a while back. I was pleased to be rated highest in those 20 states in effectiveness in dealing with the legislature. I think that's probably not true but at least it was his evaluation. Another thing I found that is peculiar to Wyoming I think. Members of the legislature are extremely interested in the appointment process. And they would all at one time or another during the session, would come into see me about getting a particular person an appointment. That gave me the opportunity to say "Well, I'd like your support on this particular bill" and I had a day-to-day run with what they were doing if they went against this bill....I used some leverage in that regard and I don't apologize for it.

HINCKLEY: What about pressure group activity in your governorship –interest group, special group – both in power of appointment and laws passing, that sort of ...

HATHAWAY: Well, there are at least 500 special interest groups in Wyoming.

HINCKLEY: 500?

HATHAWAY: At least. There are different sizes but everyone of course wants their particular endeavor to come out on top. I got off badly with the "third house"...maybe it wasn't badly. If I had it to do over again, I'd do the same thing. First three weeks I was in office. You know a governor starts off first thing with the legislative session. I'm feeling my way and trying to get a hold of the job. I had a delegation of 15 lobbyists come in one day – mostly on the economics – the oil industry, stockmen, Farm Bureau, railroad, et cetera. They announced to me that they were quite unhappy with my message. They were unhappy with the way I was handling the office. Some of them said they had contributed to my campaign and they expected different results; they said they didn't think I represented the Republican Party. I said, "Well, I just spent eight months speaking with 150,000 people and I think I've got a pretty good idea....besides, I'm not governor of just the Republicans anyway." Then they said something that really infuriated me. They said, "If you continue on the path you're on, you have no political future." I stood up and pounded the desk and said, "Don't ever come in here and threaten me with my political future. First place, I never expected to be governor of Wyoming but I'm here and I'm going to do what I think is right while I'm here and you'll get nowhere threatening me with my political future." They didn't come around the rest of that session. The next session, they started to filter in as individuals but they never applied that group pressure ever again.

HINCKLEY: I'd suggest a response that Milward Simpson made in a very similar vein, he said, "When you've played football, basketball and baseball as much as I have...that was the wrong approach." They were that brutal?

HATHAWAY: I thought it was quite brutal.

HINCKLEY: Was that type of confrontation common or what it a little more subtle?

HATHAWAY: Well, I didn't have any more confrontations like that. I don't know if it was common before or not. Apparently, I didn't fit the mold that these people thought I should fit.

HINCKLEY: Well, how did you perceive the routine interest group behavior principally during the legislative session but also on you individually during the routine of your governorship? Did you encounter significant.....?

HATHAWAY: Oh yeah. That's part of the process and you can't resent people organizing to express their viewpoints. I never resented that. What I resented with these people is the way they did it?

HINCKLEY: What were the principle interest groups? You say there was something like 500. Alan Simpson once told me he thought there were lobbyists per foot at a legislative session in Wyoming than there are at the Congress in the United States. Of all of the multitude, what were the leading organized groups in Wyoming?

HATHAWAY: That would take considerable time. What you have are the economic interests – the mineral industry and there are many of those. You have the agricultural, woolgrowers, stock growers, Farm Bureau, farmers' union – that sort of thing. You've got the railroad, you've got the utilities – you could go on and on in that field. Then you've got the social field – the education lobbyists – there are two or three dozen of those. You got the health field – the mental health people, the retarded lobbyists -- uh, lobbyists for the retarded, etc.

HINCKLEY: What about labor? I used this question on Governor Simpson. Tracy McCracken told a Democratic convention in Cody in '56 or '58. I took a class to the convention. He advised the Democratic Party that within 15 years, organized labor would be a significant power in Wyoming.

HATHAWAY: They are a significant power. I found compatible with my philosophy there were many things I could do for the working people. We only had one hang-up – that was the right to work law. They don't agree with it philosophically and that was the only problem I had with labor. In fact, when I ran for reelection, they AFL-CIO offered to endorse me if I would simply said that if the legislature passed or repealed the right to work, I wouldn't veto it. I told them I wouldn't do that – to be dishonest.

HINCKLEY: Do you think that labor has reached its peak of power in Wyoming? For instance, in Milward Simpson's interview, he suggested that the failure to repeal the right to work by one vote may have been the peak of the influence of organized labor – that's it's been declining since.

HATHAWAY: I don't think it's declining. With the industrial growth, there's going to be a lot more union members. I think that the rank and file union members are beginning to see their state in a free enterprise system. They are as distraught as some of the rest of

us with the growth of government and the infringement upon their rights. I'm one Republican that never felt that labor was the enemy. I saw them as a friend.

HINCKLEY: I guess I'm just checking for an academic estimate.

HATHAWAY: In numbers, they're certainly going to grow. In political strength?

HINCKLEY: Is their repealed failure in right to work.

HATHAWAY: Oh, that's a bogus issue!

HINCKLEY: I realize that but it's before the public and it tags labor and their failureto some degree discredited their political power.

HATHAWAY: I think it has discredited in the sense that they've put too much stake in themselves. There are too many other things that labor unions and working people need they could accomplish if they'd get off this harp.

HINCKLEY: During your term, certain groups have become more visible in Wyoming, organized...specifically environmental. Is it a fair statement to say that it is a relatively new phenomenon -- an aggregation in Wyoming?

HATHAWAY: No question about it. When I ran for governor in 1966, they were not organized at all in Wyoming. I got no demands or even requests from environmentalists. As a matter of fact, they gave little support to my earlier efforts such as the first air quality standards in Wyoming. They started in about '69 to become very active and a real political force in Wyoming. I, of course, politically lived through this rise. They're going down now, in my opinion in influence, because of their unrealism on a number topics. I'm the first to salute them for many things they did making people aware of what we're doing to our environment. My quarrel is on the short percentage side of what I term to be unreality -- the deep-enders who really believe that we can go back to an aggregarian society -- that we don't need to pay attention to the economic needs of the country. This is where I split off from them.

HINCKLEY: What about the -- what is your position on this export policy which sponsored largely by the groups you're speaking of -- export, the coal for conversion to energy elsewhere?

HATHAWAY: I think we need to export some of our energy. We can't process it all here. I think we have to do some of both. That's an interesting thing -- to change of public attitudes. You keyed on that. When I ran for governor against Ernest Wilkerson -- the entire theme of that campaign was the economic development of Wyoming. Ernest, whom I have great respect for, his intelligence, his ability, was saying to the people of Wyoming, "We have to make these mineral industries process our resources in Wyoming. We're losing to many jobs." See, we've done a complete flip-flop in a decade from that to now saying we should export it all out and not process any of it here.

HINCKLEY: Of course, in that same campaign, Ernest was campaign on a severance tax and you were opposing it as a penalty tax.

HATHAWAY: Yes, I was. I said this about the severance tax. We'll put it on when we have to have the money and we did -- I put it on the first one that we had in the state. I thought then and I still believe that he was approaching it from a penalty angle. We need to do -- first of all, we have a national crisis -- and we need to make a contribution to the nation. We can't sit here in a parochial sense and say we're not going to let you in. If we're going to have development, we need that tax permanent base -- a semi-permanent tax base, let's call it that goes with. You're starting to see the benefits of a power plant in Sweetwater County -- that's the reason their valuation will over a half-billion dollars. That's the reason their schools are beginning to cut their levy -- the city of Rock Springs has cut their levy in half. Without that facility there which multiplied the tax base of Sweetwater County five or six times. It's not complete, but they will. You wouldn't have those resources to serve the people. But on the other hand, you propose an export policy like the slurry line and don't go for that and the environmentalists didn't get on that bandwagon. It's a clean way of exporting energy....

HINCKLEY: You feel still as you did on the slurry pipeline?

HATHAWAY: Oh absolutely. As long as the water control was in the...you come down on the legislature and the governor of Wyoming to make that final decision -- the elected representatives to make that decision.

HINCKLEY: You, in another message, said you were very skeptical of legislative appropriation of water.

HATHAWAY: Well, that dealt with some other issues. I don't think it dealt with this...

HINCKLEY: It was the appropriation by the legislature...a lot more than so much per county, I think.

HATHAWAY: On the slurry line? The legislature toyed a lot with that bill and they almost got to the point of pre-empting executive authority on water appropriation within the state, not outside. That was my objection to their interference there. Now, if you're going to have 15-20 slurry lines and all the water's coming from Wyoming, you can't do that obviously. This is one experiment using deep water that isn't going to be used otherwise.

HINCKLEY: There does seem some anxiety over the ambiguity of how much water we're talking about available -- that is the matters of formation. Bishop (Floyd Bishop, former state engineer) I think reported to you something in the neighborhood of a billion --acre feet to recharge, an annual recharge of something like 15 million acre- feet.

HATHAWAY: We'd recharge them 150,000.

HINCKLEY: 150,000? Then you reports and various surveys and so forth -- there's such a wide gap in the estimate of the availability of water. Does that cause you any concern at all?

HATHAWAY: Well, if you were near the tolerance limits it would cause me concern but all the USGS reports and the northern great plains study confirm that the best information they have we have a billion acre feet of water in supply. They also confirm a minimum of 150,000 acre foot a year recharge. We were talking about using 10% of the recharge. I don't know why anybody should get uptight about that especially when it's costing \$200 an acre-foot to produce it and no one else can afford to do it.

HINCKLEY: What about your neighbor states – are they an inhibiting factor in this slurry line?

HATHAWAY: Well, South Dakota threatened a lawsuit but they never filed one.

HINCKLEY: They're eminent domain of course. Has that been authorized?

HATHAWAY: No. Congress hasn't dealt with it. They postponed it again.

HINCKLEY: You mentioned Congress. That brings up another question. I've become another "states' righter" myself. Preservation of a viable state in this federal system. What can a governor do about it to preserve state's rights? I'm thinking, for instance, of the Congressional delegation. They should be the group that represents the states rights, shouldn't they?

HATHAWAY: I think they should. They also have the role to play as representatives of the United States.

HINCKLEY: Did you have an effective liaison with the Congressional delegation? Did they listen to you?

HATHAWAY: I had very little communication with the Congressional delegation. I had less communication with Senator McGee than the others but nevertheless he was always...when I did communicate with him he was receptive to me.

HINCKLEY: You had to initiate it?

HATHAWAY: I had to initiate it with him. But because of our unique system here in being close to people, the politicians all have to be close to the people. It's not difficult to get a consensus among political leaders ???... I think that's not true in the larger states. That's why states' rights is suffering. There are so many in big states that don't appreciate that concept.

HINCKLEY: What about your conference of governors? Does that present a possible block of protectors of states' rights?

HATHAWAY: I don't know. I think it's not too effective. During the eight years I attended those meetings, I saw them move from pretty much a social gathering to a real working session in which you shared knowledge and talked about problems, solutions. In my last two or three years, there was a major reorganization that attempted to make the governor's conference more effective in lobbying the administration and Congress. I don't they're particularly effective. There's a natural jealousy between a senator and congressman and governor. They just don't want to respond unless they have to, to a request from the governor's association. They go back there and testify. I've had the feeling, I've done it a number of times...it's about half-fueled???

HINCKLEY: There's no potential block there, of governors?

HATHAWAY: No, that's one of the impediments of our great system is the inherent personality, jurisdictional jealousies that are part of our system. Like the county commissioners and the mayors – they talk about each others' problems but they don't get down to solving them as a general rule.

HINCKLEY: So, it does become a very lonely crusading job as a governor. I'm reminded of your earlier reference to your response to the lobbyists. I'm sure you were referring to the Bill, Wyoming tours you made in the speech when you responded to the lobbyists, right?

HATHAWAY: No, that never had anything to do with the lobbyists. When I took office, the economy in the state was very stagnant. Revenues were static and we felt we had to do something about it.

HINCKLEY: So, it was principally to the sponsor industry...you also went back east about that same time – but that Bill, Wyoming tour lasted for how long?

HATHAWAY: Well, for two or three years – we went all over the country. New York. Los Angeles.

HINCKLEY: But the Bill, Wyoming tour – you visited virtually every town in the State.

HATHAWAY: Of you mean the town meetings. I found those most fruitful to get out to the people, find out what they're thinking, what they want, what they think you ought to do.

HINCKLEY: Do you remember how many towns you visited on that tour?

HATHAWAY: I made the state entirely twice. About half of it once almost. I did it three times. I went to every county seat and where there two larger towns, like Powell and Cody, I'd go to both of them. I found them very fruitful.

HINCKLEY: Is there any town you haven't visited?

HATHAWAY: No, I don't think so. I haven't been to Dad lately. I've been to Bill many times. I was there recently.

HINCKLEY: Within the general context of Wyoming state problems, I'm sure you're familiar with the water suit in District 3. Will the --- besides what your comments on that might be, I wonder if the ambiguity in water rights that will thereby be created in the Big Horn Basin might not be deterrent to the industry or the economic growth in the area?

HATHAWAY: No, I don't think so. The problem is this lawsuit is going to take a long time to resolve. It'll probably go to the Supreme Court. The fundamental reason for it is the quantification of the Indian water rights and the Federal Reserve water rights. Until you know – until you put a figure on those, no one knows, including the Indians how much water they've got. I think the Indian people deserve to know. The Winters Doctrine is just too in-definitive. It says that on any reservation, the Indian residents are entitled to the water that flows by. Well, you can't go on forever that way. If they're not using it, you can't hold water for another 100 years to determine whether they're going to use it. So, the Winters Doctrine is going to have to be clarified to the United States Supreme Court – this may be the case that I don't think the existing appropriators are jeopardized.

HINCKLEY: Well, there's just that uncertainty because as I understand it the management of this, in order to take advantage of the McKaren act, the suit has to include all –everyone in the district – so you're going to have something in the neighborhood of the two or three thousand or more people in that district wondering if their water right is a valid right. A sale, for instance, which brings me to the question of preferred use for industry. Have you had any second thoughts about that? Including industry as a preferred right in our water law? Because it might affect our lifestyle for instance.

HATHAWAY: Let me say this. It's ironic that the preferred use statute does not list agriculture. It doesn't list it. When we attempted to amend that statute, and the water code – we had a recodification giving agriculture a priority in that preferred use list, it was defeated and I could never understand why. I think the basic human factor here is that some of the agrarians who have good water want to have the opportunity to sell their water and will sell it for a price. That could be to the long-range detriment of agriculture in the state. Water rights that predate 1909 could be removed from the land and taken somewhere else. Water rights after 1909 cannot be separated from the land –they have to be sold together.

HINCKLEY: You buy the ranch if you get the water rights.

HATHAWAY: Right. But when you have that potential for industry to go in and buy good direct flow rights you have the potential to dry up a lot of Wyoming. I worry about that. I think the only solution is to create new storage – we're exporting an awful lot of

water. Three and a half million-acre-feet a year that we're entitled to use. If we can find a way to preserve at least 25% of that water for agriculture, I think the problems will solve themselves. But see, agriculture can't pay – the land won't stand these great capital costs to build a hidden water facility delivery system.

HINCKLEY: Is the severance tax an instrument for doing that?

HATHAWAY: It's going to be a vehicle. I think they'll build up a fund there that will permit...it's still got to be implemented with more legislation. I think they've got to come right out and say that a certain percent of this water is reserved for agriculture and provide through that tax basis a way to lessen the cost to put water on the land.

HINCKLEY: What's your speculation – what do you think the ultimate resolution of this suit will be? The court acknowledges the states' administrative control of water? That's essentially what we want isn't it?

HATHAWAY: Oh yeah. That's our understanding of the law and states' rights but this article in the newspaper yesterday. This national water policy. The Federal Government can pre-empt. The Federal Government can buy water and take it somewhere else. These are severe threats to states' rights. And lurking in the background here in the Western states, we have the Winters Doctrine. But the biggest problem of all is the Federal Reserve statute. We don't know what it means. Does it mean all the water coming out of the Big Horn Mountains, out of the Wind River Mountains, because it's coming out of federal land, does it belong to the Federal Government. If it does, we don't have much. That question won't be resolved for years.

HINCKLEY: There's a certain contractual under the legal ... the cases in it are awesome and courts historically have paid attention to the contract law clear back to John Marshall.

HATHAWAY: Absolutely. If you've got a contract and you've got a document that says you own so many feet of water, it should be yours.

HINCKLEY: Whether it was issued by a state, a sovereign or a national. But now they're talking about in effect negating all those contracts.

HATHAWAY: If I may say so, I've been pleased with a lot of things that the President's done, but the President doesn't know much about water. He picked a poor time to cut off the reclamation projects in the middle of a drought. That'll iron out.

Transcript of Stanley K. Hathaway
Property of the Wyoming State Archives

This interview was conducted by John Hinckley. 7/28/1977

Tape 3

HINCKLEY:institutional question, Governor Hathaway. In your 1969 message to the legislature, you recommended the establishment of a higher education council. Did you foresee it as playing an active role in the management of our institution of higher education or merely as an advisory body?

HATHAWAY: My goal then was to try to bridge the gap between the University and the community colleges. Get 'em to communicating. I put representatives from both on it. Incidentally, they had an obligation to administer the higher education facilities act. Some fund that came it. It didn't achieve my goal. The warfare was still there and for a time I thought we were getting on the same wavelength. What we wanted to do was to design was a plan for higher education in Wyoming. That's the charge that I gave them. WE had studies done and we had good recommendations but they weren't able to bridge that gap. The political realities were that there was going to be cleavage between the University and the community colleges. As you know, I supported a four-year program at Casper College and it came very close in one session. I have been a strong believer in community colleges. I wouldn't convert them all. I think they are doing a very, very useful tremendous job for young people -- opportunities that never existed in this state twenty-years ago. I recognize the economic realities of two universities drawing out of the same bank of funds. But I think that I could see that the growth and the wealth of the state would support two four-year schools. It would be competitive. The competitions' good. And you don't just suddenly start one of those institutions. As you know with your experience in Powell. It's takes years...so it takes ten years. And, admittedly, the Casper College people were quite honest when they said this would be a strictly...we're not trying to get into traditional university education...they're goal was to get there sometime. But nevertheless, a decade of bringing that along, we'll have both the population and the wealth to support it. One of the things that study produced is that a university reaches its maximum efficiency at about 12,000 students and when you get over that, the educational efficiency goes down. It becomes a learning factory instead of a great school. It's just a matter of time. The state will have another four-year school.

HINCKLEY: It became politicized, unfortunately.

HATHAWAY: Yes. The Casper media became too self-serving on the issue. By the token, some of the media down here along the UP went too far down here.

HINCKLEY: There was one factor in the initial presentation that seemed to bother many. Quite legitimately, I felt. That was of course the state sponsorship in support of a four-year institution with the control strictly within the county or district of Natrona County.

HATHAWAY: That could have been changed later. But obviously, say you were putting in 75% of state funds from all the people in Wyoming; they shouldn't have authoritarian control in Natrona County.

HINCKLEY: A larger questions, namely the larger challenges facing the State of Wyoming. What would perceive as the single most, if such is possible to define, the greatest challenge confronting Wyoming in the next decade?

HATHAWAY: Well, the environmentalists would say protecting the environment. I think we have the machinery in place to protect the environment. We're not going to deteriorate our air or water, land quality. The single greatest problem would be the management of what's going to happen to this...impact. Helping communities that are going to grow even more than we've seen some already grow. Manage the providing of services to the people and to bring in place the mundane things like sewers and water lines, streets. In addition to that, the public facilities they will need, the educational facilities they will need to accommodate these people. Management of impact. That's what I would call it.

HINCKLEY: Is the State Government so constituted to address a vigorous response to that problem?

HATHAWAY: I think so. I think a lot's been done and a lot's been done since I left office. First of all, you have to have the money. The additional mineral royalty that Senator Hansen led the way on and the help of Senator McGee and Teno has provided a source. They may take that away from us. The production of energy resources and the tax structure we have now, I predict that by 1985, we'll have difficulty in spending the money legitimately. It's going to flow quite rapidly. The last session of the legislature divided up some of these resources between cities and counties and school districts. They didn't do enough for community colleges. I'm disappointed in that. They should have given them a permanent fund base. That can be corrected. I think that money and good planning and the work of people – you can't leave out the human element. We can solve these problems. I think Wyoming will be the kind of a place we can all be proud of a decade -- twenty-five years now.

HINCKLEY: What would you most like to be remembered for as Governor?

HATHAWAY: Well, I suppose in view of the time I served and view of the fact that Wyoming was not a land of opportunity when I took office – we were exporting most of our youth. I don't attempt to take credit for these things myself; if I showed some leadership and inspired some other people to work at the problem, I'd take some credit for that. We converted Wyoming from a state that was not doing well economically to one that's doing very well and one that will have the financial resources to give its people a very high standard of living. I thought that my greatest obligation was the management of fiscal affairs in state government and I feel rather proud of what we were able to do there. I am gratified that we established a permanent mineral trust fund which I think will have two billion dollars in it by the turn of the century; a permanent endowment for the

people of this state. One of the questions that you asked, should that have been done earlier? Perhaps it should have been done earlier but the difficulty was that we needed all the money we could get our hands on for day-to-day operations. Ernest Wilkerson first proposed the permanent tax in 1966. The fact was we probably couldn't have done it then. Oil was \$2.75 a barrel then and our economy hinged on the oil industry moving forward and yet it was almost stymied because of the price. The way the price is now, you've got a different situation.

HINCKLEY: You mentioned the out migration of youth. I might conclude this with "what be your advice to a young person –Wyoming, 1977?"

HATHAWAY: I really believe having watched this state since I came to the state at the age of four, that's there's as much opportunity in this state for young people right now as there is anywhere in America. We've been slow to develop some of our institutional functions but I think we're going to do all right. I think on the free enterprise side, there's just as many opportunity here as there is anywhere. My advice for them is to stake out a patch out and stay here.

HINCKLEY: Well, thank you Governor Hathaway. You've been very gracious!

HATHAWAY: I've enjoyed it.