

MAY 25 1972

SUPERIOR CLIPPING SERVICE
SUPERIOR, MONT. 59872

Gallatin Tribune Requests Correction In Sunday Associated Press Release

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(Editor's Note: Following a release of an Associated Press story from Helena which appeared in many of Montana's daily newspapers Sunday, May 21, 1972 concerning the editorial changes made recently at the Gallatin County Tribune, the owners of the Tribune have sent the following letter to the Associated Press Bureau in Helena requesting the Associated Press to make correction or retraction as follows:)

23 May, 1972

Associated Press Bureau
Helena, Montana 59601

ATTN: Mr. Paul Freeman

Dear Mr. Freeman:

We are deeply concerned over the Associated Press release appearing in many of Montana's daily newspapers Sunday, May 21, 1972, and which was by-lined by you personally in some of these newspapers. We believe that your story is incorrect in several particulars and out-of-context with our release concerning the termination of employment of three of our editorial employees (such story appearing in the Gallatin

County Tribune in its issue of May 18, 1972, and such release having been sent to you in Helena via Greyhound Bus, departing Bozeman at approximately 3 p.m. Thursday, May 18, 1972).

Contrary to your release which stated, "The fight over the proposed Montana Constitution has taken a bizarre turn in Gallatin County, resulting in the firings of staff members of the established Bozeman weekly newspaper . . .", the Gallatin County Tribune, as the established Bozeman weekly newspaper referred to, again brings to your attention that the recent change in the Tribune editorial staff resulted, not because of purported opposing viewpoints between its editor and staff and the ownership of the Tribune over the Constitutional issue, but rather as stated in the Tribune article of May 18, 1972:

"Because the Tribune feels that conflicting interests have arisen as a result of Tribune employes either publishing a competitive publication or being employed by a competitive publication, it was deemed advisable for the Tribune to immediately terminate the above named employes."

Further, from our article: "We have no quarrel with the individual's right to work for whom he chooses, or for the fact that another group chooses to represent their views in a competitive publication — BUT, we, the owners and management of the Tribune, feel we have the right to set our own policies, to demand the loyalty of our employes and discourage the right to "moonlight" by our employes when such "moonlighting" works to the detriment of the Tribune. In our opinion, those individuals who are writing for other publications that are competing for the advertising or commercial revenue in our area, are working to the detriment of the Tribune."

And further, from our article: "... We wish to make it perfectly clear that the Tribune has been connected in no manner with the editing or publishing of the Gallatin Voice and neither approves nor condemns the Voice, and it is unfortunate, in our opinion, that some of our employes chose to join in the Gallatin Voice venture while employed by the Tribune."

Therefore, in all fairness to the Tribune and its ownership, the Tribune readers, the

former employes of the Tribune who now are associated with the Gallatin Voice, and the general public who may have been exposed to the recent Associated Press release, the owners of the Gallatin County Tribune hereby request from the Associated Press Bureau in Helena, Mr. Paul Freeman who by-lined the release in question, and all Associated Press member newspapers who may have published the above-mentioned release, to make correction or retraction as mentioned in this letter in prominence equivalent to that given the previous Associated Press release. The Tribune believes that the "record must be set straight" on all matters relating to this previous release.

We are again enclosing a copy of our release which appeared in the Tribune issue of May 18, 1972, and we hereby grant permission for the Associated Press to its use in its entirety in making the requested correction in your original release.

Sincerely,

Montie L. Stanhope

Stanley M. Burgard

(Co-Owners and Publishers
of the Gallatin County Tribune,
Bozeman, Montana)

Con-Con Delegate C.H. Mahoney Warns of Loss of Local Control

The worst part of the entire proposed constitution is the Revenue and Finance article," stated Charles H. Mahoney, veteran legislator and Constitutional Convention delegate, in a recent Helena meeting.

Speaking to a workshop of western Montanans gathered to study the present versus the proposed document, Mahoney warned of the loss of local control in the proposed constitution.

Humorously noting the power of unicameralism, Mahoney said, "There is nothing better that I would like, but to have a unicameral legislature and I be the wheel."

Possible Dictatorship?

"This could go into a dictatorship like Huey Long from Louisiana," commented the speaker in referring to what some participants described as "the open-ended provisions" of the proposed document.

"Under Section 5 of the Revenue and Finance Article, paragraph (c), ACM could be exempted from the metals-mine tax," said Mahoney. "If taxes get high and the recreational interests exert pressure, Big Sky could be exempted."

"Merchandise inventory or improvements could be excluded."

Such exclusions would place an unfair burden on the remaining taxpayers, Mahoney pointed out, although they could have an emotional appeal at the time of passage.

Section 5, 1-c states, "The legislature may exempt from taxation, any other classes of property."

Gasoline Tax Diversion

"Section 6, paragraph 2, allows for diversion of the highway gasoline tax. It is a

only three-fifths of each house of the legislature.

Explaining that millions of taxpayers' dollars could be used to "build for tourists, and the tourist industry could be exempted from taxation," Mahoney warned of the lack of restrictions on this everywhere in the proposed constitution.

"Agriculture and little businesses may end up paying the whole thing," he said of the cost of state government. He further noted that the current debt ceiling (without referendum) of \$100,000 would be removed.

Fate of Small Banks

"Article VIII, Section 13, will break all the little banks of Montana," Mahoney contended. "None of the big, real big banks will be hurt. Everything, including local government funds, will be put in Helena."

"The Public Employees Retirement System, the Highway Patrol and the firemen's retirement systems can be invested in private corporate capital stock."

The effect of stock losses on the solvency of these systems brought sharp warnings from the speaker.

The much-criticized section reads: "The legislature shall provide for a unified investment program for public funds and provide rules therefor, including supervision of investment of surplus funds of all counties, cities, towns, and other local governmental entities. Each fund forming a part of the unified investment program shall be separately identified. Except for monies contributed to retirement funds, no public funds shall be invested in private corporation capital stock. The investment program shall be audited at least annually and a report thereof submitted to the

"We have abolished the State Board of Equalization. All is put in Helena. The only power that the county assessors will have is to count."

Environment

"This section raises the question: Can a guy fence a reservoir? How good are water rights under this section?" said Mahoney, speaking of its new Environmental and Natural Resources article in the proposed constitution.

"The word 'beneficial' is what is important," he continued. "'Beneficial' does not cover irrigation, flood control nor manufacturing."

"Without water our coal fields cannot be developed. It is like the copper in Butte; all we got was to look at the copper."

"When the courts have said something, that can be changed! But, it is not very easy to change it when the constitution says it."

Article V Sec. 14 p. 2 (dealing with re-apportionment) "brings the Supreme Court into the legislative branch," said Mahoney.

"I wanted to get in there a provision to submit the plan to the legislature rather than a commission," he went on. "The apportionment that we have today was done by the legislature. The commission is responsible to no one."

Article VI

"In the Executive Article, we have kicked out the state treasurer," Mahoney remorsefully stated. "Section 4, paragraph 2, is dangerous."

"We do not need a lieutenant governor at all if he is not going to preside over the senate."

The proposed constitution provides the lieutenant governor "shall perform the duties provided by law and those delegated to him by the governor." No power

live in an area of several blocks from each other. They have to run in another district."

Pay Commission

"Article Five, Section Five, allows for a Pay Commission," Mahoney noted. "A Pay Commission takes the heat away from the Legislature. This is a new provision."

The Pay Commission could be established by legislative action which would determine the compensation of the state legislature.

Continuing his comments on the legislative article, Mahoney reminded the audience that he introduced into legislature one of the first bills for an annual session.

Session Increases

The proposed document allows for an annual session of not more than 60 legislative days.

It also provides, "Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members."

"Not of both houses, but say only a majority of the house of representatives," noted the delegate.

Commenting on Article V (The Legislature), Mahoney noted that Sec. 10 eliminated the lieutenant governor as the presiding officer of the senate.

Paragraph 3, of the same section, states, "The sessions of the legislature and of the committee of the whole, all committee meetings and all hearings shall be open to the public."

Mahoney noted that the language of this provision could "in fact end all compromise, as the vote will be recorded."

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"Section 6, paragraph 2, allows for diversion of the highway gasoline tax. It is a sales tax in disguise," explained Mahoney, as the sales tax on gasoline can be raised and diverted by a vote of

only three-fifths of each house of the legislature.

Explaining that millions of taxpayers' dollars could be used to "build for tourists, and the tourist industry could be exempted from taxation," Mahoney warned of the lack of restrictions on this everywhere in the proposed constitution.

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Summarizing the entire article of the proposed document, Mahoney stated,

"We have abolished the State Board of Equalization. All is put in Helena. The only power that the county assessors will have is to count."

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Mahoney, in outlining the effect of the governor and lieutenant governor running as a party team, noted, "The only trouble we have had was when we had a governor and lieutenant governor of the same party."

Money

When questioned regarding "Who will handle the state money?" Mahoney replied, "The Department of Administration will handle the money."

"The governor has now taken a lot of power away from the officers and put it into the twenty offices of the reorganized administration."

The requirements of office and duties of the Superintendent of Public

live in an area of several blocks from each other. They like to run in another district."

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Mahoney noted that the language of this provision could "in fact end all compromise, as the vote will be recorded."

Recorded votes seldom are changed, he noted. While the speaker favored opening the sessions to the public, he wondered whether it would be appropriate to try a senator in an open session. Mahoney warned that the mere opening of the session to the press raises false hopes to the public.

It should not be construed to mean that the press will cover fully legislative proceedings, he said. He himself favors the press being present and reporting both sides consistently.

Probably Unconstitutional

Paragraph 6 of the above section gained special attention.

The provision reads, "This section may be challenged on the ground of non-compliance with this section only within two years after its effective date." Mahoney questioned

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Editorially Speaking . . .

Do Your

Home Work

Before June 6

Was the constitutional convention too hasty about completing its business?

Would the results have been more satisfactory if the delegates had adhered to the originally proposed timetable and taken an intermission of several months between completion of formal sessions and a short terminal meeting to approve and sign the document?

If this original timetable had been observed, the delegates would probably be reconvening in Helena this week to sign the constitution and complete their work after about two months of recess. The document would then have been submitted to the voters in the November general election.

This interval might have eliminated the embarrassing situation in which at least three delegates find themselves publicly opposing a document to which they signed their names in March. Apparently, in the interim, they have changed their minds about the value of the charter which they helped draft.

The proposed constitution includes many good features. It includes some that are less desirable than the present document.

Elimination of sovereign immunity from the proposed document will lay state and political subdivisions open to costly litigation from which they have previously been exempt. This can only result in greater ex-

pense to the public in defending suits and perhaps settling judgments.

The 60-day meeting of the legislature each year will tend to create a professional-type lawmaking body but will not necessarily improve the quality of the membership. Since the constitution specifies a meeting of 60 legislative days, not calendar days, about three months will be required to complete the session. Few of the conscientious professional or businessmen whose presence is necessary to give citizen leadership will be able to devote three months of their time each year.

So Montana could find itself with a legislature populated with political hacks whose purpose is to carve careers for themselves.

The Right to Know section of the proposed constitution is qualified with the wording ". . . except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure." This is a built-in escape clause for every minor officeholder who seeks to hide his inefficiency or misconduct from the scrutiny of the public.

The dilution of the anti-diversion amendment that was adopted by Montana voters in 1956 to protect the gasoline tax funds from use for purposes other than highways could result in a hungry legislature dipping into the road fund for money to balance a budget that would otherwise be trimmed.

Among the many good features of the proposed constitution is statewide assessment and elimination of two-mill limit on state levies. This ability to levy more taxes for school funds at state level will make for more equal sharing of the educational burden.

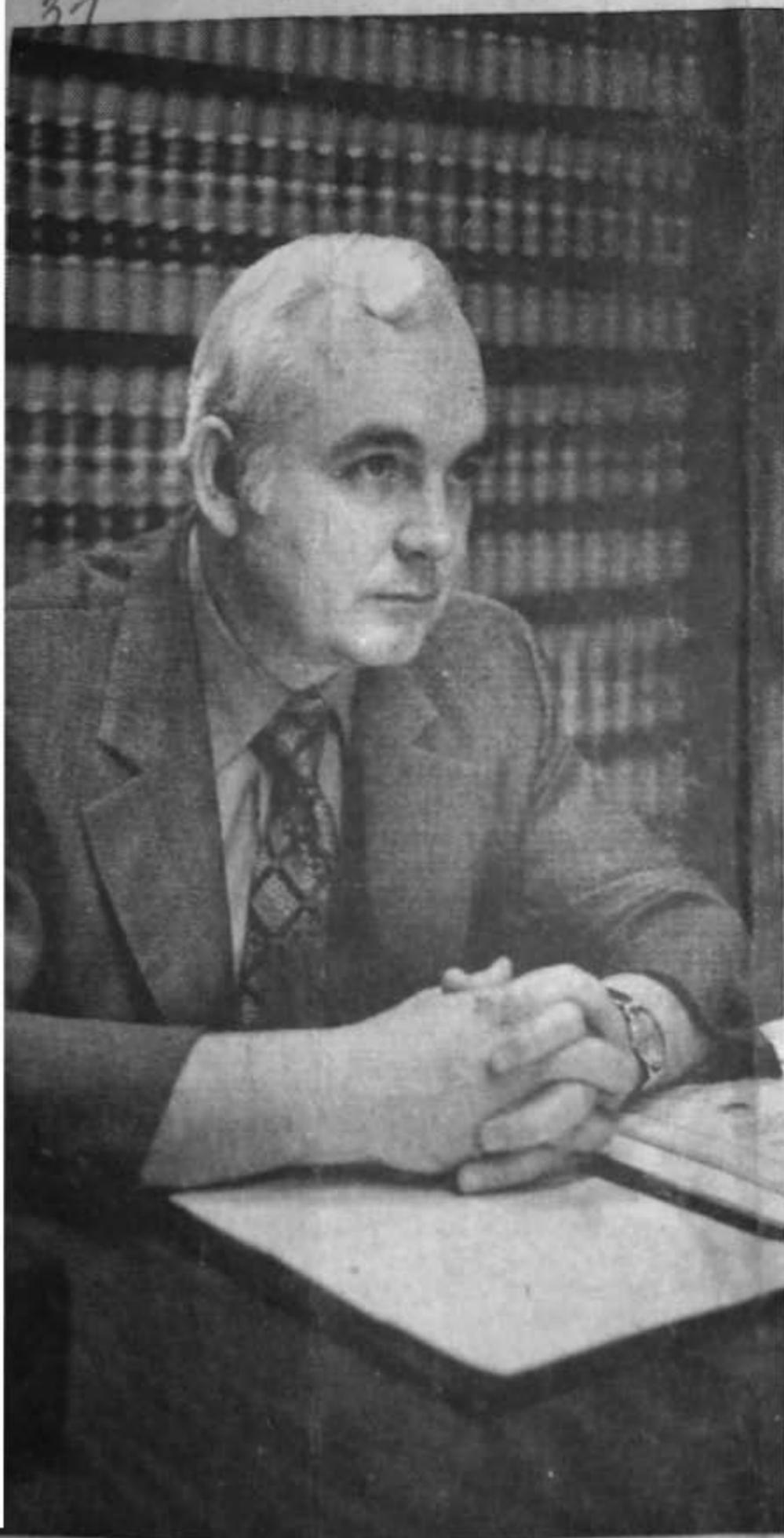
The proposed new constitution has been highly praised by many authorities both inside and outside the state. We are personally acquainted with many of the delegates, and most of those that we know are highly capable and well qualified. We have faith in their ability and their judgment.

What worries us is the fact that some of these men are now withdrawing their approval. How could a delegate sign the document in March but decide in May to oppose its ratification? He must have decided in the interim that he had made a mistake. And these opponents are not all ultra-conservatives. One of them is a Democrat who has been a prominent liberal through all of his career. Another has been a leader of the most progressive wing of the Republican party who continually opposed corporate interests through a long legislative career.

Let's think hard about the new constitution before June 6. In the columns of this paper we have presented the opinions of many people who favor the proposed constitution and of a few who oppose it. Study them well before going to the polls.

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Delegate Marshall Murray

A Delegate Examines The Proposed New Constitution

Editor's Note — This is the second of four articles examining Montana's proposed new constitution. Copies of that document will soon be in the hands of every registered voter in the state.

By Les Rickey

Montanans are governed by boards, bureaus, and commissions. And Montanans, by and large, do not trust them.

This distrust of government, which extends from the smallest local improvement district through the city, county, and state levels, is one of the main concerns the Montana Constitutional Convention felt it had to deal with.

"Government has withdrawn behind closed doors when a tough decision has to be made," says Marshall Murray, a Constitutional Convention delegate and a former Montana legislator. "When these people can withdraw into executive session and make these decisions by themselves, with no one else present, you lose faith in government."

The answer, the convention delegates felt, was to provide for a constitutional right for the public; the right to know what government is doing.

Section 9 of the 1972 Constitution provides that right, Murray said. "No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure."

That section, Murray pointed out in a recent news conference, would be binding on every public body, from a sewer improvement district to the state legislature. In between, it would include school boards, county governmental meetings, city councils, and even the subcommittees formed under the aegis of those bodies.

"The legislature has, in the past, taken government away from the people," Murray said. "The present constitution says all sessions of the legislature will be open to the public, but they go into committee meetings and various other types of meetings. They have their hearings, then they kick everybody out of the room and make their decisions."

The Constitutional Convention, Murray emphasized, did not work that way. All meetings were open to the public, and the public

participated in the proceedings.

"We've tried to maintain the open form of government while instilling in the people some faith in government," he said. "This section will allow the public the right to participate more than they now do. It gives them the right to know what government is doing, and that's something they do not now have."

Another strong provision for public participation, Murray said, is in the local government article, which Murray said has flexibility contained in no other state constitution.

"This article provides for the option every 10 years on what kind of government the people want at the city and county levels of government," he said. "The mayor and the council, for instance, are required to put the question on the ballot at the end of 10 years, asking the public if it wants to retain the city council form."

"They also have the duty of providing a viable alternative," he continued. "The same is true of county commissioners. You can have as much home rule as you want to establish, and that's one of the real highlights of the proposed constitution."

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New Constitution Deserves Approval

Many Montanans have a negative approach to the proposed new constitution. They view the document from the standpoint of certain provisions they don't like instead of the obvious over-all need to replace the constitution of 1889.

Montana elected 100 men and women to meet in Helena and draft a new constitution.

Here in the Flathead let's not forget the generally high calibre of those chosen: Republicans Sterling Rygg, Marshall Murray and Arnold Jacobsen, and Democrats Henry Siderius, Noel Furlong and Rick Champoux. The local delegation included businessmen, a farmer, educators and former legislators.

It's interesting to note those who favor passage of the new constitution. These include Democrats: Senator Mike Mansfield, Lt. Governor Tom Judge, State Senate Majority Leader Dick Dzivi and House Minority Leader Bill Christiansen.

Republican endorsements include those of House Speaker James P. Lucas and James T.

Harrison, Jr., majority leader.

What's being overlooked is that Montana recognized the need for a new constitution. Bill creating the constitutional revision commission passed the 1969 Legislature with only one dissent in the senate and three in the house.

Voters approved Referendum 67 in 1970 calling for the convention by a two to one majority.

Montana seems to be forgetting the need for a new constitution to replace the 1889 document enacted when copper kings controlled the state. It was years before the automobile.

The proposed new constitution has inadequacies, but let's not forget that the 1889 document isn't serving the state satisfactorily.

This newspaper hopes Montana will approve the proposed new constitution June 6. Our endorsement in part is based on the ability and recommendation of the three Republicans and three Democrats this county sent to Helena as Constitutional Convention delegates.

Delegates Barred As Office Seekers

By J. D. HOLMES

31 AP Capitol Writer

Montana's Supreme Court ruled unanimously today that the state's Constitutional Convention, although presently adjourned, still is legally in existence and its 100 delegate-members cannot hold other public office.

The unanimous opinion by Justice Wesley Castles said specifically that Secretary of State Frank Murray correctly refused to let delegate Charles H. Mahoney of Clancy file for Republican nomination as state treasurer.

The 12-page opinion, handed down just five business days ahead of next Thursday's deadline for filing for the June 6 primary election, put an end to the hopes of a number of delegates that they could run this year for seats in the Montana Legislature.

The high court had accepted original jurisdiction of Mahoney's protest of the secretary of state's refusal to let him file for other office.

The decision in the Mahoney case skirted a flat answer to a challenge raised by veteran legislator Oscar S. Kvaalen of the convention's right to spend money following its March 24

adjournment sine die — without setting a date for another meeting.

Strong Indication

It indicated strongly, however, that if the convention's Resolution No. 14, which set up a 19-member Voter Education Committee, is found by the court to be valid then the committee "has carte blanche authority as to the money, federal or that left over from the convention."

In the still-undecided companion case, Kvaalen challenged the right of the committee to spend \$58,962 in federal and state funds for "adver-

tising and publicity urging the citizens of Montana to vote in favor of the constitution as proposed by the constitution."

Montana voters will ratify or reject the proposed document on June 6.

In a discussion of the contents of Resolution 14 adopted by the delegates on March 16, the high court noted Murray's argument that the committee it created "acts on behalf of the convention, in its place and stead. It carries on until the procedural, administrative and voter education affairs are concluded, and the money appropriated to it has been spent. . .

"It would appear that the only thing that the committee cannot do that the convention did is propose further constitutional provisions or change or modify those proposed."

"We can see no difference in what the convention was doing before March 24, 1972, and what the committee was authorized to do, other than making proposals for inclusion in the new constitution," the opinion said.

Ruling Explained

In explaining its ruling that Mahoney now holds a public office for which the term has not expired and, thus, is prohibited from holding another public office, the Supreme Court said:

"Delegates were elected for a term ending on repeal of the act (set by law for June 30, 1973); funds were provided until repeal of the act; the convention could remain in session 'as long as necessary' subject to the repealer clause; its duties continue through submission of its proposals to the people at an election to be held after 'adjournment' within a specified time . . . ; its members or delegates were to be treated in all other respects in the same manner as legislators, particularly as House of Representatives members."

The tribunal said its determination was based on the Enabling Act that set up the 1972 convention — the first in Montana since 1889; on the constitution; on the convention's actions; and on the court's decision in the Lennon case. That 1971 decision said legislators could not run for seats in the convention.

LIVINGSTON ENTERPRISE
Livingston, Montana
(D-2,885)

APR 26 1972

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Delegate Examines New Constitution

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By Les Rickey

The proposed constitution has one clause which could be far-reaching in its effects on people, industry, and the room they take up.

Section 3 guarantees every Montanan the right to a clean and healthful environment. It is probably the strongest stand any state has taken on the nationally prominent issue.

Marshall Murray, rules chairman in the recent Constitutional Convention and a former legislator, said in a press conference on the 1972 Constitution this one issue alone took up much of the convention's time.

"If this constitution is ratified," he said, "people in Montana will have an inalienable right to clean air, clean water, and a healthful environment."

Author of the article, in essence, was C. B. McNeil of

Polson, an attorney whom Murray describes as "the only full-time active working environmentalist in this area."

McNeil maintains the article is as strong or stronger than statements in any other state constitution.

"This isn't exactly what the environmentalists wanted," Murray said. "They would like a public trust doctrine, and with it they originally wanted the right to sue for environmental reasons. But that causes some special problems.

"No one in the country has the right to sue without having suffered some personal or financial loss," he continued. "We didn't feel we should include that particular thing in the constitution because it isn't a proper right. It would apply to someone, say, from California, who could sue for something going on in Montana.

"We just didn't want to lock this into our constitution for fear of doing something bad, instead of something good," he concluded. "Some of the environmentalists in this state finally agreed with us."

The entire question of environment could well be interpreted as a legislative question, rather than a constitutional one, Murray said. In that respect, he continued, Montana has an excellent track record in recent years.

"We had one of the most progressive legislatures in the United States in the field of environment," he said. "The last legislature enacted nine measures dealing with the environment and they're strong. We now have a very active Board of Health, for instance; so active the governor has had to take a contrary stand against them."

The long-range effects of the right to a clean environment are unclear at this time, Murray said.

"The entire constitution is going to be a matter for the courts to interpret for a long time to come," he pointed out. "The United States Constitution was written nearly 200 years ago, and the definitions of that document still are being written by the U.S. Supreme Court."

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37 Are We Capable Of Self-Government?

There is one central fact that voters must keep in mind during the next few weeks as the merchants of fear step up their campaign against the new constitution.

That is that if defeated, we will have to live under the old constitution for, perhaps, the rest of our lives. And the 1889 constitution was written to favor large corporation interests which were dominant at that time.

Montanans voted overwhelmingly to have a new constitution written. They then voted for 100 good men and women (who could hold no political office) to write this new document.

It couldn't have been done in a more democratic and statesman-like manner.

A "No" vote would negate all this effort, and would, in effect, be a denial of our ability to govern ourselves through the elective process.

No more democratic way could have been devised than to have the people vote on the question of writing a new constitution, and then electing the men and women who would write it.

If it is now defeated, what's next?

It's not a perfect document, of course. It doesn't please all interests in all instances. But how could one

go about writing such a perfect constitution?

Perhaps the second most important fact to remember about the new constitution, is that it contains provisions for the people to change it.

We are not stuck with it, as we are with the old one.

What could be more fair than that?

As we have written before, there is nothing to fear in the new constitution. It essentially gives more freedom to the legislature (our elected representatives) to make those governmental reforms that are long overdue, and in the future, to adapt to changing times.

It allows for tax reform, for educational reform, and government and court reorganization.

If we don't like how the members of the legislature handle their new freedoms, we can vote them out of office—that's the democratic way.

The new constitution gives us the means of governing ourselves more efficiently, and without out-of-date restrictions which favor big business and big corporations.

What it boils down to is the question: Do we have faith in our ability to govern ourselves?

Our answer is "Yes."

37 Letters To The Editor

(Editor's Note: Ranchers, as well as all Montanans, have a concern with one of the state's most important resources--the water. Following is an explanation of just what is contained with respect to water rights in the 1889 and the proposed 1972 Constitution on which the people will vote on June 6. This letter is a bit longer than the letters from readers, but the content is of such importance that it is reprinted in full.)

Con Con water

Letter to the Editor:

Since the beginning of the Constitutional Convention, there has been statement after statement appearing in Montana newspapers as to what the proposed Constitution does or fails to do. No one takes time to compare the old with the new.

I have spent the greater portion of my professional life working with water and water rights and feel qualified to express my opinions on this subject. Therefore, this is an attempt to reveal the old constitutional statement on water rights, the proposed constitutional statement on water rights and my personal opinion of what the proposed Constitution means to the people of Montana.

OLD

Under the Enabling Act of 1889, the State Constitution, Article III, Section 15 provides the following:

"The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others, for all ditches, drains, flumes, canals, and aqueducts, in connection

COMPARISON AND JUSTIFICATIONS

Section 3, Paragraph (2) of the proposed Constitution is the same statement as the present Constitutional statement. It is very necessary that this statement be retained. It is the basis for our present code. It insures that all structures, ditches, reservoirs and water use are held as public use. This provides continuance of the protection we now have.

Section 3, Paragraph (1) recognizes the use of water for any useful or beneficial purpose. This is very necessary to establish the uses as recognized by other states and the Federal Government.

Section 3, Paragraph (3) is the most important paragraph of the proposed Constitution. It is a declaration of state ownership of all waters within its boundaries and the jurisdiction over those waters. The U. S. Supreme Court has recognized state ownership by the necessity of implication in all states. It also recognizes the states to be the custodians of the water for the use of the people. In other words, the state agencies do not own the water, they cannot hold it or sell it to the people. They can sell the service of storage and delivery.

Section 3, Paragraph (4) is very important. Montana, under its present program, cannot meet its commitments on its interstate or international comp. s. It cannot show what water it is actually using. Montana will be very hard pressed

...ing Act of 1889,
the State Constitution, Article III,
Section 15 provides the following:
"The use of all water now ap-
propriated, or that may hereafter be
appropriated for sale, rental,
distribution, or other beneficial use,
and the right of way over the lands of
others, for all ditches, drains,
flumes, canals, and aqueducts,
necessarily used in connection
therewith, as well as the sites for
reservoirs necessary for collecting
and storing the same, shall be held
to be a public use."

NEW OR PROPOSED

Article IX, Section 3, Water Rights

(1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

(2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the land of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

... do not own the water, they cannot hold it or sell it to the people. They can sell the service of storage and delivery.

Section 3, Paragraph (4) is very important. Montana, under its present program, cannot meet its commitments on its interstate or international comp. s. It cannot show what water it is actually using. Montana will be very hard pressed to meet the deadline on submitting its comprehensive water use plan by 1977, the mandatory date set by the Water Resource Law of 1950. This section directs the legislature to provide for the necessities in administration of Montana waters. This section of the proposed Constitution must be passed if Montana is to protect its water for use by Montanans. It must be passed if Montana is to have the same authority and protection of its water that Colorado, Wyoming, and other western states now have.

I urge all voters to review the old and proposed Constitutional statements. Read it yourselves so that you know what it says. Know the protection and rights it will provide you. Do not accept the statements made by those who lost out in their bid for the Con-Con and are spreading doubt in the minds of others.

I assure you that after reviewing the proposed Constitution, I'm voting for it because of its content and what it will do for the people of Montana.

Sincerely yours,
C.C. Bowman, Head
Agricultural Engineering
Department
Montana State University
Bozeman, Montana

What Mont World - 5-11-72

Letter to editor

Editor:

The unqualified endorsement being given to the proposed Montana Constitution by the Montana Catholic Conference causes one to wonder if they are ready and anxious to dispose of the moral doctrine that parents are responsible for the education and welfare of their children.

"ARTICLE X EDUCATION AND PUBLIC LANDS, Section I. EDUCATIONAL GOALS AND DUTIES. (1.) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state." Should the proposed Constitution be adopted, the state will decide the extent of a child's potential—which child will dig ditches and which will go to college. Parents will no longer have the God-given, moral responsibility for their children. As it was in Nazi Germany, as it is in Russia and China, the "State" will provide for each and for all. No Christian should vote away ANY God-given right!

From the Preamble to the Adoption Schedule, the proposed Constitution successfully limits and

abolishes the rights of the people by making their sovereignty and freedom subject to the whims of the legislature. It advocates totalitarian socialism. As an example, "ARTICLE IX ENVIRONMENT AND NATURAL RESOURCES, Section I. PROTECTION AND IMPROVEMENT. (1). The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. (2). The legislature shall provide the administration and enforcement of this duty." Here the "State" will decide what constitutes a clean, healthful environment and enforce it. Webster's dictionary defines environment as "the totality of external influences on an organism." A government that totally controls is TOTALITARIAN. A government that totally provides is SOCIALISTIC. That socialism or totalitarianism will help the poor is an age-old deception. The proposed Constitution provides for a totalitarian socialistic government for the State of Montana. How many people really want that?

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