

State air agency urged for city

By ROGER CLAWSON
Gazette Staff Writer

ngs, newly discovered exotic smog and other pollution threats in Eastern Montana, have urged the state's air and water pollution chief to lend the establishment of a state air quality office.

Wake, administrator of the state's division of mental science, said Friday.

"I THINK there needs to be a man-based in not necessarily to take care of Billings problem, but there is a lot of development in Montana that warrants a branch office."

developments causing concern to state air officials include the planned construction of a mining electric plant in the coalfields near Col-

probability of a growing industrial develop-

ment in the Colstrip area became more certain last fall when Montana Power Co. announced plans to build a steam-electric plant near the Rosebud County community.

The company has budgeted \$2 million for the start of construction this year and will spend another \$5.1 million next year.

NEW-FOUND evidence of photochemical (Los Angeles-type) smog in Billings also has increased the probability of an Eastern Montana air quality office.

The smog, which local air pollution officers are certain exists in Billings, mixes chemical emissions from industrial sources to form new and uniquely different toxic agents.

"There was a near alert in Billings recently," noted Wake.

"The cause was sulfur oxides. We didn't think it possible, but the condition was real.

"WE'RE GOING to watch these conditions in

the future and our study of the photochemical smog will be a good deal deeper."

Wake's decision to ask the legislature to establish a Billings air quality office followed a Billings Gazette story which broke the news of a smog crisis in Billings during March.

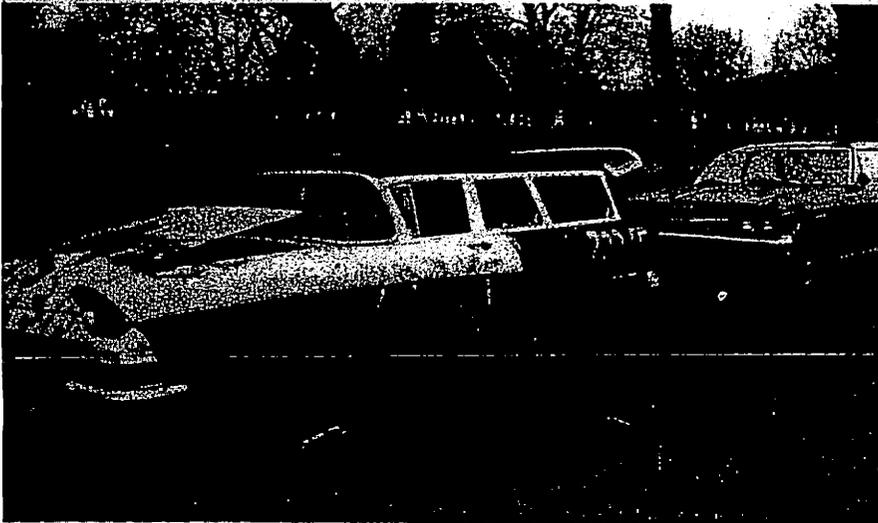
The "episode," as it was termed by local pollution control officers, ended when a weather front pushed the smog out of the area.

Wake said the financing of the Eastern office will be included in his next budget request.

"WE ALREADY have water quality personnel in Billings and we find we can do a better and cheaper job having men where we need them," he said.

Wake said Billings area industries have "done a lot of good work in their attempts to improve local air quality."

"But we are by no means content that the job is done. There still remains much to do," said Wake.



Gazette Photo by William Tutakay

Marked for destruction

s abandoned station wagon is headed for scrap heap. The number sprayed on it is a Sanitation Department code signifying wrecker crews can pick it up and haul it to a junk yard for disposal. The number is

placed on autos that have either been released for hauling by their owners or police. This wagon was parked on North 19th Street between 6th and 7th Avenues

Explanation is needed to sell new constitution

DAVID BEATLEY, 23, accused to all but those accused issues or subjects of legislative sure to the function of a

Trio held in burglary

Three young men were accused Friday of burglarizing a Billings home while its occupants were away preparing to bury the head of the house.

Harold Scott Robinson, 19, of 225 Terry Ave., Jeff Michael Haider, 19, of 20 15th St. W., and John Flam, 20, of Billings, were arraigned before Justice of the Peace Robert Williams on burglary charges, and returned to the custody of the sheriff in lieu of \$1,000 bond each.

The trio was ordered to appear in District Court Monday at 11 a.m. for preliminary hearings.

The Wayne Reid home, 1518 Prickly Pear Drive, was entered Thursday afternoon while Mrs. Reid and a son were making funeral arrangements at a Billings mortuary. The senior Reid, 58, died Wednesday.

Two rifles, antique bottles, radios, lamps, food mixer and other items totaling \$850 were taken.

Neighbors reported to authorities that they had seen a car and recorded the license number. Further checking on the vehicle led to Robinson and his two friends.

The rifles and radios were recovered from the car Sunday.

This abandoned station wagon is headed for the scrap heap. The number sprayed on it is a City Sanitation Department code signifying that wrecker crews can pick it up and haul it to a junk yard for disposal. The number is

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The rifles and radios were recovered from the car. Some of the bottles were recovered at Kathy Lehnher's home, Apt. 2, 302 S. 30th St., and the mixer was found at Robinson's fiancée's home, Chris Clutter, 225 Perry Ave.

Explanation is needed 'to sell' new constitution

By DAVID T. EARLEY
Gazette Staff Writer

Montana's new constitution must be sold with truth in lending," says a constitutional scholar and publisher of a Con Con newsletter during the recent constitutional convention.

He approves of the new document which voters will either accept or reject in June, says Billings lawyer Gerald Neely, feeling that its virtues and the advantages afforded by it to the late far outweigh its weaknesses.

BUT THE implications of some of its provisions weren't fully understood by the 100 delegates themselves, due to the press of time, says Neely, who took his vacation this year by covering the convention for a newsletter as well as for a news wire service.

The press, moreover, hasn't fully studied the document and reported on it, Neely believes, and so the public itself remains in the dark concerning certain problems inherent, he says, in the new constitution.

"And these problems are something that should be debated," Neely told an audience of young Republicans in Billings Thursday night.

AS A LAWYER, he smiled, he can see that some of the new constitution's sections "provide fruitful courtroom opportunities" for his profession.

He cited the following problems:

— Sixty-legislative-day annual sessions have been discussed, but the people may be less aware that the 80-day limit is only for the first session after the constitution becomes effective. After that the length of a session can be set by the previous legislature.

— THE RIGHT to bail is guar-

BROKEN WINDOWS
Replaced Quickly!

anteed to all but those accused of "capital crimes." But if the death penalty is abolished, either by the voters or the Supreme Court, there will be no capital crimes. One accused of blowing up an airliner would be



GERALD NEELY

freed on bail prior to trial. "Again, I'm not sure whether this is good or bad — you make up your own minds — but it should not be glossed over."

— Post-convention statements that no rights have been eliminated from the constitution are not accurate. He has not fully studied the implications of it but Neely finds the current constitutional provisions on water rights and access roads missing in the new one.

—"ADULT" rights are guaranteed to persons under 18, except when they are specifically exempted by the legislature. School dress and behavior codes may well become courtroom

issues or subjects of legislative debate, for example. "This is fine but the voters should be aware that this is the case."

— Juvenile laws "supposedly" for the protection of juveniles may contradict society's feeling that children should be treated differently: not, for example, imprisoned at Montana State Prison.

— Rights provisions laws such as that for freedom of speech formerly protected the individual as against governments. Offenses by individuals were adjudicable in court for damages.

Montana would have "the broadest equal-protection clause in the world," virtually protecting everyone from everyone. "This may be acceptable but it raises problems." Now, for example, if Carroll College in Helena desires to hire a Catholic teacher at that private institution it could be stymied by an applicant of another faith. Federal law has allowed exceptions, allowing "discrimination" by sex, for example, if it was neces-

sary to the function of a business. In Montana, even political discrimination would be banned. A Young Democrat would have a "right" to office in the Young Republicans, and vice versa.

"MY POINT," Neely concluded, "is not necessarily that these provisions are good or bad. Obviously, I've taken extreme examples."

"The point is that they have not yet been explained to the public."

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The Billings Gazette Sunday, April 2, 1972 Morning Edition 6

State studies air, water of coal fields

HELENA, Mont. (AP)—Montana's environmental science's division, with an eye on plans for extensive development of eastern Montana coal fields, is stepping up the evaluation of the environment there.

A number of monitoring stations are being moved to Colstrip from areas where observations have already been completed, including some stations from Butte and Anaconda, according to Ben Wake, administrator of the division.

The Montana Power Co. has been conducting meteorological studies in the Colstrip area in anticipation of putting in a 350,000 kilowatt coal-fired generating plant by 1975. A second plant, of similar capacity, would be erected if a joint venture with Puget Sound Light & Power Co. is successfully negotiated.

A Pennsylvania coal firm, Westmoreland Coal Co., has announced it has acquired rights to an estimated billion tons of coal in eastern Montana and has indicated plans for developing coal gasification facilities are already being made.

Wake said environmental testing will include sampling

air, vegetation, soil, solid wastes and possibly animals. The division, he said, will try to determine what the present condition of the environment is. This will enable them to later measure the effects of the new development.

A full-time water pollution representative of the state office is presently headquartered in Billings. Wake said he is considering adding an air-pollution officer as well.

He said his division has already been working closely with Montana Power Co. "I think we're on top of it. The cooperation has been good. I think we're doing a reasonable job of evaluating," he said.

The North Central Power Study has envisioned eastern Montana as the location of 21 coal-fired electric plants of at least one million kilowatts each.

Presently, the state's largest coal-fired plant is the 180,000 kilowatt J.E. Corette plant in Billings.

A report prepared for the state environmental quality council warns that the result of this development would be "enormous amounts" of pollution.

Scientist dispels wilderness myths

A mixture o

By DAVID T. EARLEY
Gazette Staff Writer

Perhaps the chief virtue of Montana's new (proposed) constitution is that it is a mixture of liberal and conservative philosophies, says Leo Graybill Jr., retired Constitutional Convention president.

And this is good because the people of the state are "mixed" in this fashion, the 47-year-old Great Falls lawyer adds. And so, "If we can interest people in it the chances are good that the constitution will be accepted in June."

Graybill visited Billings this week to wrap up Con Con business — namely, the problem of printing and sending to the electorate 360,000 copies of the proposed document — and told The Gazette why he feels the new constitution is such an inseparable mixture of philosophies, to match the people whose lives it will guide, politically.

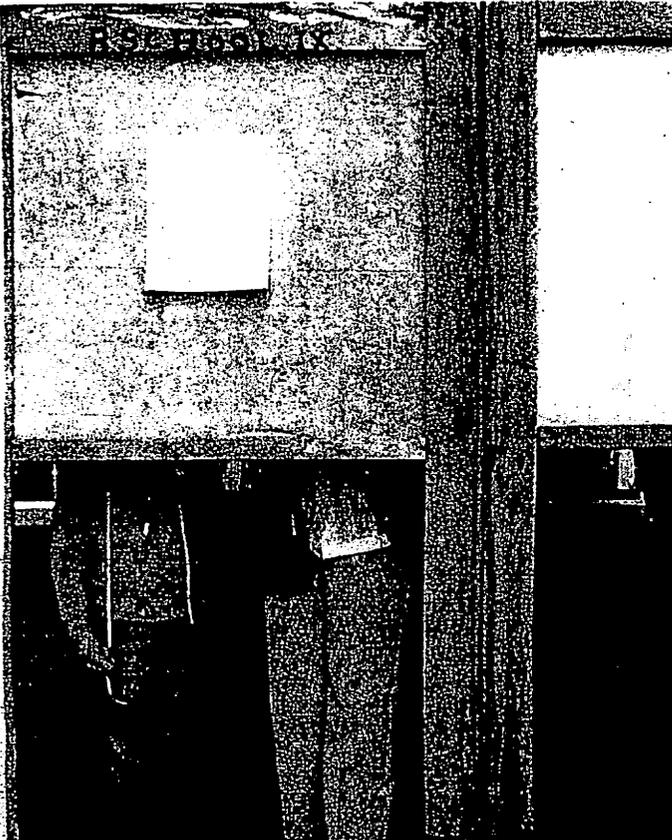
ACTUALLY, IT'S probably about 80 per cent liberal." But the majorities and minorities—liberals and conservative voting groups—shifted about so, says Graybill, that it would be impossible to differentiate "liberal" or "conservative" sections on the basis of who



Leo Graybill Jr.

voted for them.

This is doubly true for any attempt to sify the result as the work of a political pa



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This is doubly true for any attempt to classify the result as the work of a political party.

The Con Con president disagrees flatly with statements made in Billings by two returning Democratic delegates this past week that the new constitution is a Democratic Party document.

"No it is not. It is bipartisan. I don't think partisanship entered into it at all."

At least 60 per cent of the delegates were unrecognizable by party, says Graybill, and for others such as himself who had previous political "identities" the matter of party designation was unimportant.

CONTRASTING WITH the usual legislative session, during which about 40 per cent of the legislators formulate and handle the bills while the rest "follow," says Graybill, Con Con participation was about 95 per cent, and the lines shifted on the issues more than on basic philosophies, and far more than on party lines.

He cites Billings delegate Jean Bowman as an example of interplay of people and issues at the convention. He is basically a liberal, says Graybill, and sometimes found himself voting that position, against Mrs. Bowman.

The next day, however, would find their

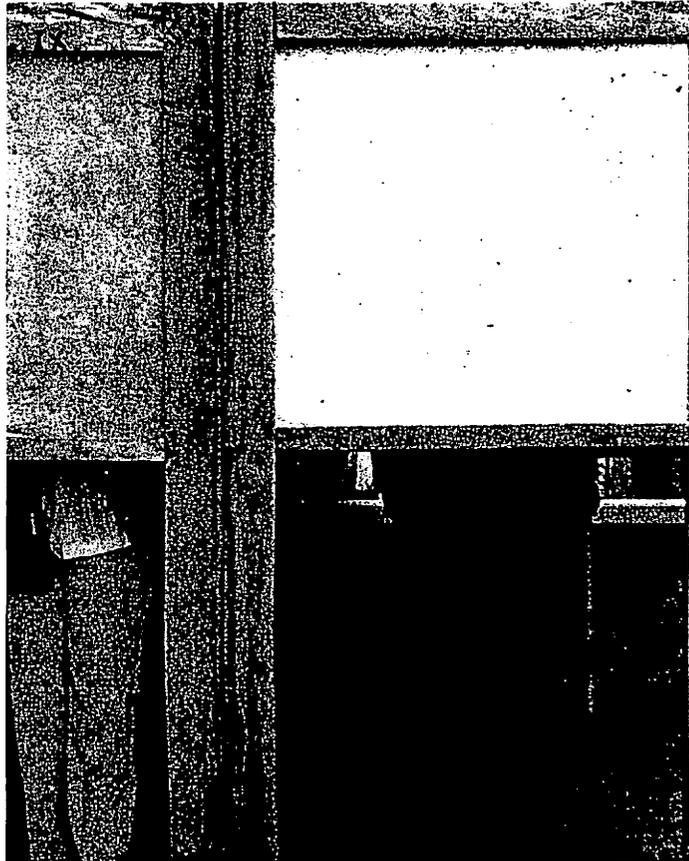
positions reversed and frequently they'd be allied on the same cause, says the ex-president.

AS FOR STRENGTHS and weaknesses in the new document, Graybill feels the legislative changes may be the most important: annual sessions, elimination of closed committee meetings, and the requirements of recorded votes and single-member election districts.

He disagrees with, and terms "absurd," the long-ballot for executive branch officers. "There isn't any reason to elect seven or eight state officers . . . three or four would be enough.

Putting the state auditor on the land board, too, is "silly." No two persons will agree, he predicts, on the virtues and liabilities of the new document, but he feels that the majority will conclude that the former outweigh the latter.

He began to suspect this, Graybill concludes, when he noticed that both the "far-left" and "far-right" delegates were joined in opposition to various sections—this suggested to him that the document would be about right for the people of Montana.



Delegates dispute environment rule

Editor's Note: This is the eighth in a series to explain how some changes approved at the Montana Constitutional Convention may affect Montana citizens if the document is approved June 6.

By **CHARLES S. JOHNSON HELENA (AP)** — The environment has its niche in the proposed constitution, but convention delegates disagreed vehemently over how effective the provisions will be.

To C. B. McNeil, R-Polson, they constitute the strongest environmental protection statement found in any state constitution. He was principal author of the subsections.

To others, they are only window dressing to a pressing problem. These delegates, led by Louise Cross, D-Glendive, battled futilely for what they considered provisions with more teeth in them.

Much will depend on the legislature, which is directed to pass laws to enforce the constitutional statements.

"Probably the most important part is the affirmative duty of everyone in the state of Montana, including the state, individuals and corporations, to improve our environment," McNeil said. "No other state constitution has such a provision.

not going to be degraded."

How will these provisions affect the Montana family that likes to camp, boat and fish on the weekends and is concerned about the environment?

It all hinges on the legislature.

But McNeil said the first subsection places an affirmative duty on each citizen to clean up the environment.

But like other constitutional goals and directives, the environmental section will be of little value without the legislature to back it up.

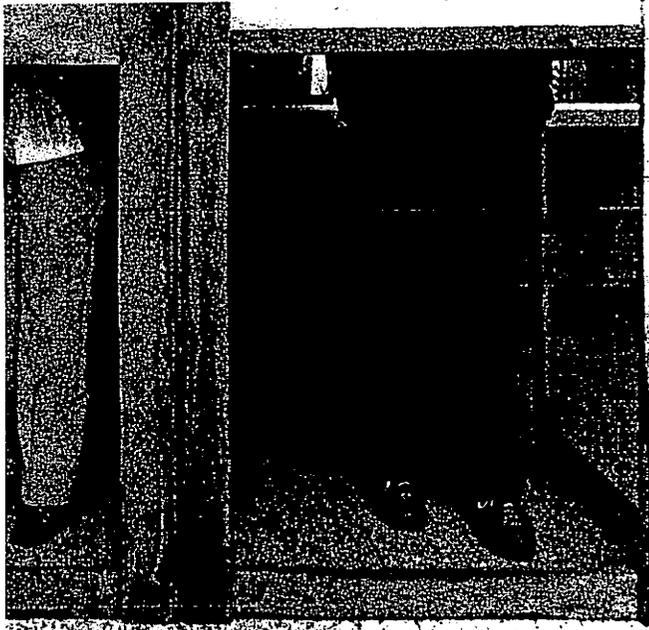
McNeil also said the section sets a tone for the proposed constitution, which goes before the public June 6.

"It's especially important when you consider that most delegates came here with the idea of streamlining the old constitution, but they believed the environment so important they added a new provision," he said.

Mrs. Cross and others failed in trying to declare the environment a public trust.

Under the doctrine, the environment would have been a public trust held by the state for its citizens and managed by the legislature.

The beneficiary, the public, would have had the state



Gazette photo by Phil Bell

lection shenanigan

It pulled some school board election was one of many the poll booth at Billings. The throughout the state.

Columbia Basin floods

and bridges damaged ing, slides, excessive high wind would at least \$1.5 million. Corps of Engineers heavy snow in Wash-Cascade Mountains in ary and heavy rain e normal tempera- 19-20 for floods along alis River and near the Nooksack, Sno-Nisqually and Cedar

Corps said 37,000 acres e Chehalis and 3,000 tributaries, the Skook- and Newaukum, ded, and damage was l at more than \$3 mil-

treatment plants in and neighboring Cen- re shut-down several e of high water- ut 200 persons were d from the two com- the corps said. Bal- e main line of the Bur-Northern Railroad near was washed out, stop- traffic 26 hours. and floods destroyed or homes in many Washington, and some us escapes were re-

ported. The Soil Conservation Service said that in Oregon "28 snow courses established new maximum amounts of water content for March 1," with the heaviest accumulations in the Grande Ronde and Umatilla basins and along the crest of Oregon's Cascade Range.

As for the Canadian headwaters of the Columbia, "runoff during the March to September period is expected to be above average but less than the heavy 1967 runoff," the British Columbia Snow Survey Bulletin for March 1 said.

The Canadian report said a "near record spring and summer volume runoff is expected" for the East and West Kootenay districts. The Kootenay, a major tributary, makes a loop down through northwestern Montana and northeastern Idaho, changing its name to Kootenai along the way, before entering Canada again to empty into the Columbia.

In Western Montana, the Corps of Engineers was to visit Plains, St. Regis, Superior and Missoula on the Clark Fork and Deer Lodge near its headwaters; Kalispell, close to the

upper reaches of the Flathead River; Lincoln, near the headwaters of the Blackfoot, Hamilton, far up the Bitterroot, and Libby on the Kootenai.

They also were to visit Bonners Ferry, on the Kootenai in Idaho; Sandpoint, Idaho, where Lake Pend Oreille empties into the Pend Oreille River, a tributary of the Columbia, and St. Maries, Idaho, on the St. Joe River.

A spokesman for the Corps who returned to Seattle the past week after several days on the tour, said streams in the Ellensburg and Yakima areas of central Washington were "pretty high—flooding already."

Last week President Nixon declared part of Washington a major disaster area. That cleared the way for use of federal funds to repair facilities damaged by floods in February and March in Pierce County, parts of Thurston and King counties and small parts of Kitsap and Mason counties.

About the same time, Washington Gov. Dan Evans said Pacific and Wahkiakum counties were eligible for disaster unemployment assistance for

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Much will depend on the legislature, which is directed to pass laws to enforce the constitutional statements.

"Probably the most important part is the affirmative duty of everyone in the state of Montana, including the state, individuals and corporations, to improve our environment," McNeil said. "No other state constitution has such a provision.

The section says: "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations." Critics in the convention question how effective this provision will be, but McNeil defended it.

"It's mandatory in the constitution," he said, adding that the two other subsections require legislation to flesh out the skeletal constitutional statements.

"This means if the legislature doesn't do it, you can vote the scoundrels out," he said.

The second subsection directs the legislature to provide for the administration and enforcement of the duty.

This lawmakers could back up with a tough right-to-sue law to allow citizens to sue polluters and government agencies not enforcing the environmental duty.

Or they could enact a weak, token provision, which also apparently would meet the constitutional mandate.

The third subsection also is contingent on legislative action.

It says: "The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

McNeil said this provision directs the legislature "to make sure whatever we have now is

little value without the legislation to back it up.

McNeil also said the section sets a tone for the proposed constitution, which goes before the public June 6.

"It's especially important when you consider that most delegates came here with the idea of streamlining the old constitution, but they believed the environment so important they added a new provision," he said.

Mrs. Cross and others failed in trying to declare the environment a public trust.

Under the doctrine, the environment would have been a public trust held by the state for its citizens and managed by the legislature.

The beneficiary, the public, would have had the right to sue the state if the legislature and state agencies did not protect the environment adequately.

Convention opponents termed the public trust doctrine "socialistic" and "anarchistic."

The environmental article also includes a section on reclamation.

It says lands disturbed by the extraction of natural resources must be reclaimed, but does not specify to what extent.

Concerned about possible strip mining damages in coal-rich eastern Montana, the Natural Resources and Agriculture Committee had recommended that reclaimed lands be restored to as good as a condition or use as prior to the disturbance. The move, however, failed.

Another section recognizes existing water rights for any useful or beneficial purposes.

McNeil, an attorney, said the convention action will not affect any present water laws.

Also included in the article is a section directing the legislature to provide for the acquisition, administration, restoration and preservation of ghost towns and other scenic, historic, recreational and cultural sites.

Delegates also paid homage to the state's largest industry—

agriculture—by retaining the Department of Agriculture in the constitution. They also directed the legislature to appropriate funds "to protect, enhance and develop all agriculture."

Special levies on livestock and agricultural products for such uses as disease and predator control also are allowed.

Next: Public Health, Welfare, Labor and Industry.

PSC chief says Shoup is wrong

dealers, whose position should be clarified prior to the filing date."

The reference was to the April 27 deadline for filing for party nominations at the June 6 election.

"Numerous members of examining boards such as the Architectural Board, Electrical Board and Plumbing Board require by statute that they in fact be engaged in that profession to qualify as a member of the board," Reber said. "Must they too resign?"

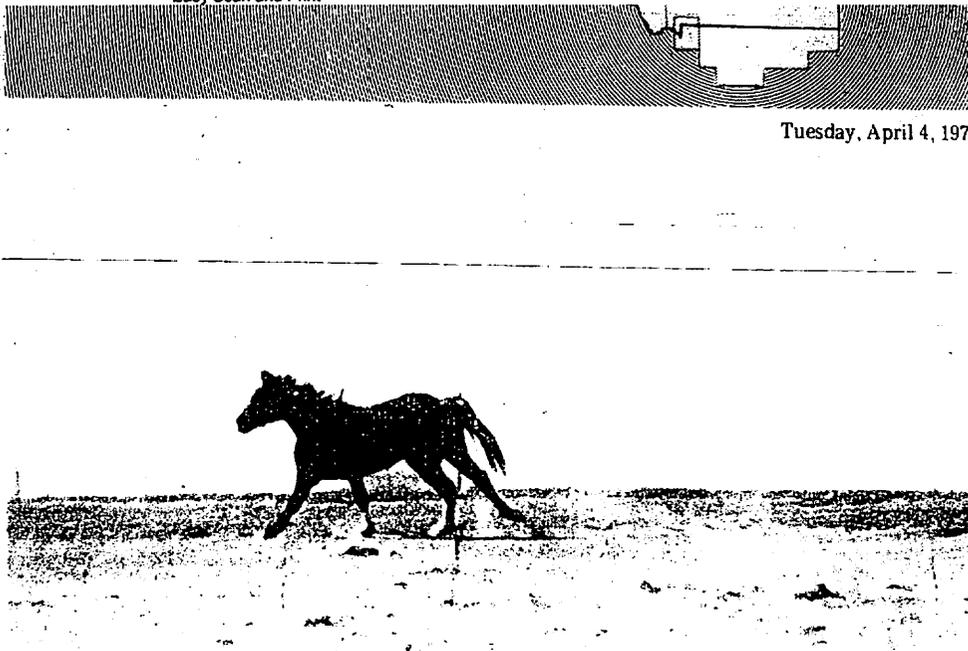
Earlier in the day, Gov. Forrest H. Anderson announced the resignation of E. E. Palmquist, Helena, from the Electrical Board, because of the attorney general's ruling.

Tuesday, April 4, 1972

vice ness

provided in other areas to allow the new agency to be financially independent as well as separated from the federal civil service and political "spoils."

Fuller predicted an improvement in service: "In a year or so you'll see a far different Postal Service than you've ever seen."



Feeling their oats

It's the time of year when youngsters—both two and four legged—get frisky and like to romp around open fields. (In this case, the four legged critter was doing the romping—and the young man racing behind him probably had

planned to do a little riding instead caught up with his horse, perhaps he day.)

Document protects state water rights

By DAVID T. EARLEY
Gazette Staff Writer

Water rights are protected in the state's new (proposed) constitution, says a Yellowstone delegate to the recent Constitutional Convention—they've simply been moved from the Bill of Rights to the Environment and Natural Resources Section.

He disagrees with concern expressed by Gerald Neely concerning water rights, delegate Chet Blaylock told *The Gazette*, but agrees wholeheartedly with the attorney's statement last week to a group of Young Republicans that the new document should be subjected to full public discussion before the vote in June.

NEELY SAID he favored the new constitution but feels the public should be better in-

formed of its provisions and their possible consequences. He cited a number of what he feels to be "problem" areas and, while acknowledging that he hadn't fully studied the matter, noted that the present water-rights provision has been left out of the new constitution's Bill of Rights.

It was simply included in a later section, says Blaylock, Article IX to be exact.

He is concerned over this, said the Laurel schoolteacher, because Montana's farmers and ranchers could well be expected to reject the new document if they feel such an important right has been abandoned.

SECTION 3 OF Article IX states: "All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed."

With this opening statement about water rights, says Blaylock, the delegates hoped to assure that no matter what interpretations might be made of other parts of the article, no existing water rights would be abandoned.

A NEW CONCEPT was added to the state's basic water law, says Blaylock, with inclusion of a constitutional statement that all waters within the state "are the property of the state for the use of its people . . ." This, he said, was intended to assure that downstream users don't appropriate presently-unused water, thus precluding future development in this state.

The article also provides for centralized recording of water appropriations, in addition to the local records already required of county clerks.

Food s are lic

HELENA (AP) — Montana's Board of Food Distributors reports that in fiscal 1970-71 it licensed 4,771 of the approximately 5,000 food-dispensing establishments in the state.

In a report to Gov. Forrest H. Anderson the board said it also investigated complaints on drug items in Missoula, Great Falls and Billings and on grocery items in Glendive, Miles City, Billings, Great Falls, Butte, Missoula and Kalispell.

The three-member board, which has a paid secretary and a clerk at its Helena office, investigates any complaint filed with the Montana Trade Commission against wholesale and retail businesses selling below cost.

Cost is established by a commission survey.

Under executive reorganization, the dual-title agency func-

Bunions



Quits Navy

John H. Chafee resigned Monday as secretary of the Navy. He is expected to run for the Senate from Rhode Island.

Court appoints Billings man

HELENA (AP) — Montana's supreme Court announced the appointment of John H. Crowley, Great Falls, to its commission on Practice and the appointment of Cale Crowley, Billings.

Crowley replaces John C. Heehy, Billings, on the eight-member committee which meets about every six weeks to consider any matters dealing with the practice of law and matters of ethics.

The court makes the appointments on the basis of results of ballots cast by lawyers in the areas involved.

Other members of the commission are: Carl M. Davis, Dillon, and Thomas M. Ask, Laurel, both delegates to the Constitutional Convention; William T. Boone, Missoula, the chairman; Patrick F. Hooks,

Mill levies

Proposed constitution much easier to change

By CHARLES S. JOHNSON

HELENA (AP) — Montanans finding parts of the proposed constitution unpalatable may wind up voting for it so they can change them later.

They will find the proposed constitution much easier to amend than the existing 1889 document.

For the first time citizens can initiate the amendment process through petitions and bypass the legislature entirely.

Take, for example, gun organizations, which lost their battle to have the new bill of rights outlaw registration of firearms.

Under the 1889 constitution, their only recourse would be to go to the legislature and try to gain the support of two-thirds of the members in each house, a cumbersome and difficult process. If the legislature went along, the proposed amendment to outlaw registration then would go before the electorate.

The proposed constitution will allow amendment by initiative, if approved June 6. Sportsmen's groups could circulate petitions to amend the constitution.

To place the issue on the ballot, the groups would have to meet these conditions:

At least 10 per cent of the number of Montanans who voted for governor in the last general election—called qualified electors—would have to sign.

In addition, 10 per cent of the qualified electors in at least 40 per cent of the legislative dis-

tricts would have to sign petitions.

If the necessary signatures were amassed, the Montana electorate would render the final decision.

The Constitutional Convention also lifted the restriction limiting the number of proposed amendments that can go on the ballot to three. Legislators, for instance, could vote to place six amendments on a general election ballot, and the public, through initiative, could add three more.

Legislators also will find the amendment process easier.

While the 1889 constitution requires two-thirds of the legislators in each house to approve an amendment, the proposed change calls for approval by two-thirds of the total number of lawmakers.

Under the present constitution, a stubborn minority in either house could block any proposed amendment from reaching the ballot. If the proposed document is approved, the bloc could be evaded by taking the two-thirds of the total number of legislators.

For example, with a legisla-

ture made up of a house of 100 members and a senate of 50, a total of 100 votes, would be needed. Eighty representatives and 20 senators could make up the total.

"Hopefully if there are some needed revisions, they can be done by amendment," Robert Vermillion, D-Shelby, said, reducing the need for constitutional conventions. He served on the General Government and Constitutional Revision Committee.

As improved as the amendment process will be, convention delegates realized that someday another constitutional convention will be called. They made this arduous process easier too.

Citizens will have the power to petition for a convention, unlike in the existing constitution. They must meet the same percentages as required to initiate an amendment.

A vote of two-thirds of the total number of legislators, not the two-thirds majority in each house presently required, will be needed to place the issue of whether to call a convention on the ballot.

Another significant change places the question of whether to hold a convention on the ballot automatically every 20 years, if not submitted to the people earlier.

Delegates also retained the rights of initiative and referendum.

Win rifle match

SIDNEY — Sidney's Junior Rifle Club shooters took their first match of the year here, in a group of 46 shooters from Sidney, Glendive and Circle competing in the all-day event. Sidney scored 475, followed by Circle with 466, and Glendive, with 456.

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HELENA (AP) — Montanans finding parts of the proposed constitution unpalatable may wind up voting for it so they can change them later.

They will find the proposed constitution much easier to amend than the existing 1889 document.

For the first time citizens can initiate the amendment process through petitions and bypass the legislature entirely.

Take, for example, gun organizations, which lost their battle to have the new bill of rights outlaw registration of firearms.

Under the 1889 constitution, their only recourse would be to go to the legislature and try to gain the support of two-thirds of the members in each house, a cumbersome and difficult process. If the legislature went along, the proposed amendment to outlaw registration then would go before the electorate.

The proposed constitution will allow amendment by initiative, if approved June 6. Sportsmen's groups could circulate petitions to amend the constitution.

To place the issue on the ballot, the groups would have to meet these conditions:

At least 10 per cent of the number of Montanans who voted for governor in the last general election—called qualified electors—would have to sign.

In addition, 10 per cent of the qualified electors in at least 40 per cent of the legislative dis-

tricts would have to sign petitions.

If the necessary signatures were amassed, the Montana electorate would render the final decision.

The Constitutional Convention also lifted the restriction limiting the number of proposed amendments that can go on the ballot to three. Legislators, for instance, could vote to place six amendments on a general election ballot, and the public, through initiative, could add three more.

Legislators also will find the amendment process easier.

While the 1889 constitution requires two-thirds of the legislators in each house to approve an amendment, the proposed change calls for approval by two-thirds of the total number of lawmakers.

Under the present constitution, a stubborn minority in either house could block any proposed amendment from reaching the ballot. If the proposed document is approved, the bloc could be evaded by taking the two-thirds of the total number of legislators.

For example, with a legisla-

ture made up of a house of 100 members and a senate of 50, a total of 100 votes, would be needed. Eighty representatives and 20 senators could make up the total.

"Hopefully if there are some needed revisions, they can be done by amendment," Robert Vermillion, D-Shelby, said, reducing the need for constitutional conventions. He served on the General Government and Constitutional Revision Committee.

As improved as the amendment process will be, convention delegates realized that someday another constitutional convention will be called. They made this arduous process easier too.

Citizens will have the power to petition for a convention, unlike in the existing constitution. They must meet the same percentages as required to initiate an amendment.

A vote of two-thirds of the total number of legislators, not the two-thirds majority in each house presently required, will be needed to place the issue of whether to call a convention on the ballot.

Another significant change places the question of whether to hold a convention on the ballot automatically every 20 years, if not submitted to the people earlier.

Delegates also retained the rights of initiative and referendum.

They lowered the figures needed to initiate legislation and or to refer already-approved measures to the people.

Recall was deleted altogether, as delegates believed the election process gave voters ample opportunities to get rid of bad public servants.

Delegates also voted to allow the legislature, if it chooses, to set up a system of poll-booth registration. It would eliminate advance voter registration, permitting anyone to register to vote as late as election day.

Attempts to require poll-booth registration failed at the convention, but delegates inserted the optional section.

"At least courts can't say it's unconstitutional," said Vermillion, who led the fight for poll-booth registration. "We issued a directive but not a mandate."

The most controversial issue before the General Government Committee—gambling—was referred to voters as a side issue June 6. They will decide whether to retain the present constitutional ban or to leave the emotional issue with the legislature.

Snow is costly

LEWISTOWN—The cost of removing snow from Lewistown's streets totaled \$15,454.35 for December through February, according to Loyd Bowen, superintendent of city operations.

Win rifle match

SIDNEY — Sidney's Junior Rifle Club shooters took their first match of the year here, in a group of 46 shooters from Sidney, Glendive and Circle competing in the all-day event. Sidney scored 475, followed by Circle with 466, and Glendive, with 456.



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Leo Graybill Jr: Giant

By DENNISE CURRAN
Gazette Staff Bureau

HELENA — When Montana's constitutional convention took its first halting steps last fall, all 100 delegates were equals.

But by the end of the convention two weeks ago, it was clear that some delegates were more equal than others.

Like most groups, the convention had individuals who

NEWS OPINION

clearly stood out from their fellows and who exerted a greater than average force or impact on the convention.

At the head of the list is Leo Graybill Jr.

THE CONVENTION PRESIDENT, a 47-year-old Great Falls attorney, stood out as the convention's most important individual. He was the man in charge, both on the convention floor and in the convention's administrative offices.

Graybill, the debate chairman, won acclaim from delegates for his fairness in handling debate. Graybill the admin-

istrator was less popular, but his tight grasp on the limited budget held the convention from spending all of its money.

Although assisted by an able staff and several administrative committees, Graybill, a Democrat, was the man making the decisions.

BESIDES GRAYBILL, the convention also produced a number of other delegates who by virtue of their position or ability stood out from the crowd, even if some of them didn't swing very many votes.

Here are a few of them:

—**John M. Schiltz**, D-Billings, an attorney who headed the important style and drafting committee. Schiltz's committee put the polish on the proposed document, ironed out ambiguities and contradictions in it and worked overtime to allow the convention to finish on time.

—**Marshall Murray**, R-Kalispell, an attorney and chairman of the rules committee. Although his role diminished toward the end of the convention, Murray played a major part in its initial organization.

—**Wade Dahood**, R-Anaconda, an attorney and chairman of the bill of rights committee. A dynamic speaker and flashy

dresser, Dahood was on and captured more attention.

—**Russell McDonough**, Donough was a quiet, art revenue and finance. He did respect experts. He did gates listened.

—**DAVE HOLLAND**, committee. Holland, in Anaconda delegation, a used corridor arm twis tion.

—**Arlene Reichert**, leaders. Mrs. Reichert, earnest novice when th key floor leaders of the vention ended.

—**Archie Wilson**, T Wilson stood out when l drawl gave the delegates

—**George Harper**,

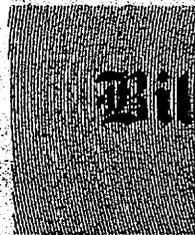


Graphic photos by Phil Bell

around
the area

Newcomers

Two newcomers to the Billings area took a look around



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WASHINGTON (AP) — Lee Metcalf says Amtrak passenger service in Montana had that some riders b it's designed to effi trains.

The Montana Democrat printed in the Congress Record complaints from grunted passengers on run by the National Pass Corp., which is known as trak.

Metcalf said the letters story of dirty depots, trains, cold and dirty car

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dresser, Dahood was one of the most flamboyant delegates
and captured more attention than most.

—Russell McDonough, D-Glendive, an attorney. Mc-
Donough was a quiet, articulate man who emerged during the
revenue and finance debate as one of the convention's re-
spected experts. He didn't talk a lot, but when he did, dele-
gates listened.

—DAVE HOLLAND, D-Butte, chairman of the judiciary
committee. Holland, an attorney, was the leader of the Butte-
Anaconda delegation, a vote bloc which at times successfully
used corridor arm twisting tactics to influence the conven-
tion.

—Arlene Reichart, D-Great Falls, one of the unicameral
leaders. Mrs. Reichart, a researcher in Great Falls, was an
earnest novice when the convention started and one of the
key floor leaders of the informal liberal bloc when the con-
vention ended.

—Archie Wilson, R-Hysham. A conservative rancher.
Wilson stood out when he stood up and with his characteristic
drawl gave the delegates a taste of rural philosophy.

—George Harper, a Helena independent. A minister.

Harper used his drole sense of humor to cut through the often
confusing parliamentary procedure to tell delegates in lay-
man's language what was happening.

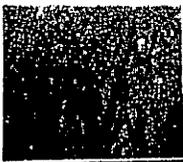
—MAE NAN ROBINSON, R-Missoula. The youngest
delegate. Mrs. Robinson was one of the most knowledgeable
and most liberal, and she gave some of the most fiery speech-
es.

—Charles Mahoney, a Clancy independent. Mahoney, a
five-term state senator, equaled Mrs. Robinson in making
fiery speeches, though usually from a conservative stance.

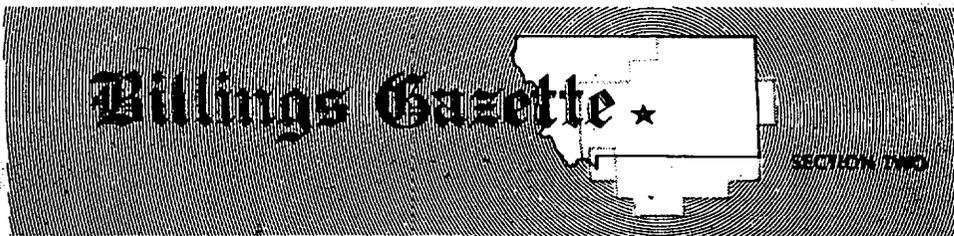
—John Toole, R-Missoula, convention first vice presi-
dent. Toole worked behind the scenes as one of Graybill's
right hand men on administrative duties, though his influence
often seemed to fall short of his title.

The list could go on and on, of course, because all of the
delegates had at least one distinguishing trait, and two or
three dozen could easily meet the test of having more impact
than the average delegate.

But of them all, Graybill is the one who clearly stood out
as the convention's number one delegate in practice as well
as title.



Laszlo photos by Phil Bell



Thursday Morning, April 6, 1972—13

Amtrak service woes published by Metcalf

WASHINGTON (AP) — Sen. Lee Metcalf says Amtrak passenger service in Montana is so bad that some riders believe it's designed to eliminate trains.

The Montana Democrat had printed in the Congressional Record complaints from disgruntled passengers on trains run by the National Passenger Corp., which is known as Amtrak.

Metcalf said the letters tell a story of dirty depots, late trains, cold and dirty cars, un-

friendly trainmen, oversold reservations and locked rest-rooms.

Metcalf recalled that he had often accused railroads of "purposefully reducing their service and discouraging public use of their lines to bring about abandonment of their responsibility in passenger service" in order to reap the financial benefits of profitable freight business.

One woman wrote Metcalf after riding on an Amtrak train in Montana. "It appeared to the passengers that so many

things could not go wrong without being done intentionally."

Southern Montanans were told that in order to keep passenger service they had to "use it or lose it," Metcalf said.

"The service is such as to defy passengers to use it," Metcalf said. "And I am told that 'lose it' often refers to baggage."

"The parallel with pre-Amtrak days of deliberately downgrading is very uncomfortable," he said. "It is alarming when a constituent tells you that at least 200 fellow passen-

gers on a recent trip say they would never again ride the train."

Mrs. Alice I. Duranceau of Bozeman, Mont., one of Metcalf's correspondents, wrote that on a trip from Bozeman to Seattle, she and other passengers "were put on a siding at Spokane from 12 midnight to 8 a.m., without dining services or heat."

Metcalf said the letters were being printed "so the realities of passenger train service will be before the Senate when Amtrak legislation is considered."

Two newcomers to the Billings area look a look around the world Wednesday

Two newcomers to the Billings area look a look around the world Wednesday

Montana on warpath

By The Associated Press

The state of Montana is on the warpath over Indian sales of tax-free cigarettes, a loss in state revenue of about \$1.20 on a carton.

According to James Madison, administrator of the state tobacco tax division of the Department of Revenue, Indians are purchasing unstamped cigarettes from out-of-state wholesalers and are selling them below retail prices from mobile smoke shops along western Montana highways.

The Montana Association of Tobacco and Candy distributors, meeting in Great Falls this week, said the Indians are scalping prices about 80 cents per carton. The average grocery store price per carton is \$3.80.

Wholesalers fear the practice will spread to other state-taxed products, such as gasoline and liquor, if the Indians aren't stopped soon.

"Cigarette stands are perched along the highway on the reservations like firecracker stands before the Fourth of July," Atty. Gen. Robert L. Woodahl said.

The state Department of Revenue has directed signs be posted along the highways advising that possession of unstamped and therefore untaxed cigarettes is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500 or a jail term of not less than 30 days and not more than six months, or both.

However, wholesalers note no one has ever been convicted under the statute.



Nixon bust

Mrs. Pat Nixon inspects a bronze bust of the President a moment after it was unveiled and presented to her in San Clemente, Calif., Friday. Residents of the city in

No adjournment, no June 6 vote

HELENA (AP) — Montana's Supreme Court was told Friday that if the Constitutional Convention isn't already finally and officially adjourned the document it produced cannot be put to a public vote on June 6 as scheduled.

Speaking as a "friend of the court," Helena lawyer Wesley W. Wertz put it this way to the five justices: "If the convention wasn't adjourned by yesterday (Thursday, April 6) there can't be any election on June 6."

He explained this is because the 1889 constitution, in providing for a future constitutional convention, requires that a proposed constitution go before the electorate "not less than two nor more than six months after the adjournment thereof."

Wertz was one of five Helena lawyers arguing an action brought by Charles H. Mahoney, a convention delegate, who wants the court to require Secretary of State Frank Murray to let him file for Republican nomination as state treasurer.

Philip W. Strobe, speaking for Mahoney, expressed the main issue like this: "When did the office of constitutional delegate expire?"

He then gave this flat reply: "After March 24, 1972, the delegates became private citizens without public office or function."

The March 24 date was when the 1972 convention adjourned "sine die" — without setting a date for another meeting.

Acting on the basis of an opinion by Atty. Gen. Robert L. Woodahl that delegates could seek election to other public office after the convention adjourned "sine die," Mahoney tried to file for treasurer.

Despite Woodahl's opinion, Murray refused to let Mahoney file — and this action developed to the point where, as Wertz told the judges, "the narrow issue of whether Mahoney can file for other office has become relatively insignificant to the other ramifications."

He said Murray did a service

to the state by raising the question of whether or not the delegates still are public officers and thus unable to try for an additional office.

Lawrence D. Huss, deputy attorney general, said Woodahl's opinion was purposefully based on the term "adjournment sine die" because that has been interpreted by the courts to mean the convention has completed its duties.

However, Huss added, "it remains a question of fact as to whether they (the delegates) have in actuality completed the task of the convention."

He said the attorney general "is without knowledge of facts sufficient to form a conclusion as to the completion of these duties."

Huss did advise the court that the convention still has three people on its payroll in the Capitol — John Hanson, Melba McGuinn and Al Brown Jr.

John H. Risken, who spoke for the secretary of state, said Murray felt it was his duty — because of constitutional and statutory provisions — to refuse to let Mahoney file for other office when he already holds one.

Riskin also said the enabling

Satellite city

LANDER, Wyo. — A new and completely modern satellite city in conjunction with the announced \$2.2 development of Reynolds Metals Co. at Lake

DeSmet, near the High Court reservationist new Bell, who als

Falls painter fil

HELENA (AP) — Edward J. Warren, 43, Great Falls painting contractor, filed Friday for Democratic nomination as lieutenant governor.

Payment of the \$15 filing fee at the office of Secretary of State Frank Murray made Warren the first to bid officially for the No. 2 elective office in the state's executive branch.

He attended schools in his native Missoula and in Anaconda before moving to Great Falls where he has been a union member for more than 20 years.

In 1968 Warren ran for the

have three children: Westley, Dillon, an in-grade school teacher. Warren's wife will be "A" in people.

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New system to pay for schools planned

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Risken also said the enabling legislation provides for delegates to be elected in the same manner as state representatives which indicates terms that last for two years.

He argued that the convention resolution setting up a 19-member committee to inform the public about the document empowers the committee headed by President Leo Graybill Jr. to do everything the convention could do except make new proposals for the constitutions.

Shortly before the hearing got under way, Risken's law partner — W. A. Scribner — asked the tribunal to also take original jurisdiction of a protest by State Rep. Oscar S. Kvaalen, R-Lambert, against the spending of public funds by delegates who no longer are public officers.

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In 1968, Warren ran for the legislature and last year tried unsuccessfully to become mayor of Great Falls.

Warren and his wife, Gladys,

have three children attending Western Montana College, Dillon, and two in grade school in Great Falls. Warren's campaign will be, "A man in a man's world."

Only Republican office being vacated by Gov. Thomas L. Judge for Democratic nomination as governor, "Sonny" Hanson, E

New system to pay for schools planned

HELENA (AP) — The superintendent of public instruction, Dolores Colburg, said Friday a new system of payment of state equalization aid to public school districts would begin this fall.

Mrs. Colburg's office said it is designed to help take financial pressure off the state's general fund.

The new payment plan divides the payments into five parts rather than the two presently used.

The plan was developed by the superintendent's office in conjunction with the state controller and several local school districts. It has been approved by the Board of Education.

Mrs. Colburg said the plan was developed as the result of

a Senate Resolution motivated by the fact that 60 per cent payment of equalization aid funds each December has for several years forced the state general fund balance into the red.

She said a continuation of the old system would have resulted in the writing of a non-sufficient fund check, with the bank holding the account charging interest on the overdrawn amount.

She also said the new system will relieve fiscal pressures at the school district level.

The first payment, which comes due Sept. 30 and is 20 per cent of the total, amounts to \$8 million.

The other payments are: Jan. 30, Feb. 28, March 30, all 15 per cent, and 35 per cent June 30.

Ex-official collapses

HELENA (AP) — W.P. "Bill" Pilgeram, about 82, former state land commissioner and creator of the Montana House

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v from the Golden Gate

plete ignorance of the art of constitution writing and a somewhat unfounded self-assurance.

TOUCH IT. Undaunted, the delegates gathered in January in the former mining town of Last Chance Gulch, now better known as Helena, the state capital. Committees were formed. A squad of recent college graduates began turning out 2,368 pages of scholarly reports on human rights, welfare, education, taxation, legislative government, environment, ordinary citizens and experts alike voiced their concerns before the committees. From the countryside came 1,500 letters filled with suggestions. The delegates studied, argued, hammered out their proposals, and hard work it was. "We had to educate ourselves and write a constitution at the same time," says Robert Kelleher of Billings, an imaginative attorney who fought in vain to change the government to the parliamentary system and legalize homosexuality and prostitution.

What they all seemed to understand implicitly was that in Montana, no less than in California or New York, ordinary people feel that they have lost touch with their own government. Said Delegate Daphne Bugbee, an

architect from Missoula: "We want our government to serve us, to be where we can look at it, feel it, touch it and know it."

EVEN BREAK. As finally approved after 54 working days, Montana's new charter is a model document. Despite the individual political differences of the writers, it has a nonpartisan, populist character. Mercifully, it is only 20,000 words long, and it sparkles with flashes of human concern from the beginning: "We the people of Montana, grateful to God for the quiet beauty of our state; the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life . . .

The "Declaration of Rights" rings with progressive principals, declaring the citizens' right to privacy, to a clean environment, to equality regardless of age or race or sex. The legislature is made both more powerful and more responsible to the people. Moreover, it will now be more representative. Under the old system, many rural counties were grouped with larger urban counties; with city voters in the majority of those districts, the rural counties could scarcely carry a candidate into office. Now it will be one man, one vote: new lines will be drawn to create single-member

districts that will give the countryside an even break.

SHORT CIRCUIT. Under the old charter, the public service commission was dominated by the power companies; it was supposed to regulate; the public got short-circuited. Now provision is made for an ombudsman, a consumer counsel who will represent the public in utility-rate cases. In the past, a single state board of education tried to run both the public schools and the six-unit university system; the new constitution creates separate boards and give the regents full control — without political interference — over the universities. Montana also limped along on property taxes, which imposed great inequities in school district financing; it was so restrictive that the state ranked last in the U.S. in the amount of aid it could give to local governments. Now the limit is removed, enabling the legislature to distribute the tax burden fairly.

It still remains for the electorate to vote on the new constitution on June 6. Home again, the delegates have taken it upon themselves to convince their constituents of the virtues of the people's new compact with the state. Helena Delegate George Harper, a Methodist minister, is preaching, "Praise the Lord and pass the Constitution." It may require a lot of convincing, because nobody can tell what those cussed individualists will do at the polls.

around

the area

Lucas won't seek top spot

Gazette State Bureau

HELENA — Republican House Speaker James P. Lucas says he will run for re-election to the legislature rather than try for governor.

The Miles City Republican cited his growing law practice, his desire to spend more time with his family and the defeat of the general sales tax in November as factors in his decision.

"Since the defeat of the sales tax with which I was closely

identified, I have spent a great amount of time assessing the possibilities of becoming a candidate for governor," Lucas said.

"I RESPECT and intend to fully abide by the mandate of the voters, and the sales tax is now dead as a political issue in Montana. . . I have concluded, however, that if I were a candidate for governor, opponents of the sales tax would still attempt to tie my advocacy of the sales

tax to all Republican candidates for public office, and that my candidacy might do a disservice to the Republican Party of Montana. This I will not let happen.

Lucas praised both Republican gubernatorial candidates, Rep. Ed Smith and former Fish and Game Director Frank Dunkle, and pledged support to the winner of the Republican primary in the November general election.

LUCAS, who will be seeking

his sixth term in the House, said his decision not to run for governor does not mean his interest in Montana affairs has waned. "On the contrary, I look forward to the day when I can participate in greater depth in helping to provide solutions for Montana problems, and look forward to the appropriate time to giving further consideration to state or national office," he said.

Job legal, lawyer says

Salons can deal with state

The Billings Gazette

86th Year—No. 347

Billings, Montana, Monday Morning, April 10, 1972

Single Copy 15c

U.S. unleashes B52s for raids on N. Vietnam

ON (AP) — U.S. B52s are flying sustained over North Vietnam for the first time since the bombing of 1968, the U.S. Command said Monday. Below the 17th parallel, U.S. forces renewed massive strikes in a drive on provincial capitals and key towns. A statement from the U.S. Air Force said American "air operations continue of, in and north of the DMZ. These operations include tactical aircraft throughout the battle area." The operations were in response to the Communist demilitarized

command spokesman reported North Vietnamese claims that one of the eight-jet B52s was shot down during the week, including one on the DMZ. The command said that one B52 was damaged while operating along the DMZ, but landed safely at Da Nang.

South Vietnamese appear to be holding out against the enemy assaults on the DMZ, and the Saigon command ordered another 20,000 troops into a showdown for An Loc, just 60 miles from the capital.

Spreading fear for the first time in the current enemy offensive to the valleys and foothills near Da Nang, where the U.S. States has a major air base. U.S. troops were not immediately involved.

cast skies once again limited the U.S. air action in North Vietnam, but air action was reported. South Viet Cong units used mortar and rocket attacks in the Mekong Delta of Saigon.

the southern front near heavy fighting erupted on Highway 13, about 20 to

25 miles south of An Loc and only 37 miles north of the capital.

A battalion of 400 South Vietnamese paratroopers, which only two days ago was guard-

ing the presidential palace, was attacked from the west as it moved along both sides of Highway 13.

U.S. and South Vietnamese fighter-bombers and American

helicopter gunships swooped down on the North Vietnamese positions along the road, unleashing rockets, napalm and cluster-bombs, which exploded hundreds of tiny handgren-

nades.

A 1,000-man South Vietnamese commando force made a helicopter assault into the jun-

(Continued on Page 2)

Foes won't debate issues of new constitution: Leo

HELENA (AP) — The president of the embattled Montana Constitutional Convention told a hastily assembled meeting of delegates Sunday that opponents are out to scuttle the new document in court—rather than on the issues.

The convention adjourned "sine die" March 25. Since then a suit has been filed before the Montana Supreme Court challenging the right of the convention to spend money on a voter information program.

"This constitution is face to face with a test on legalistic and moralistic grounds rather than substantive issues," Leo Graybill Jr., D-Great Falls said.

The convention president had gathered officials and delegates named in the suit for a meeting at the state Capitol to map strategy in the legal action and to discuss the effect on the pro-

posed constitution of a suit by delegate Charles Mahoney. That suit seeks a reversal of a ruling by the secretary of state barring Constitutional Convention delegates from seeking elective office.

A public information program budgeted at more than \$45,000 is at stake in the suit.

Veteran legislator Oscar Kvaalen, R-Lambert has brought suit against convention officials and members of the Voter Education Committee of the convention.

He argues that since the convention has concluded its business by adjourning "sine die", any further spending would be tantamount to private citizens spending public funds.

Delegates at the Sunday session disagreed. Thomas M. Ask, R-Roundup said the money was spent when it was appropriated by delegates on Jan.

21 for the purpose of informing voters on what the new document will mean if it is ratified June 6.

The Voter Education Committee is only administering the expenditure, he argued.

Graybill noted that the state legislature does not stay in session just to oversee the spending of funds allocated for some program.

Thirteen delegates, ten of them lawyers, attended the two-hour session in a House committee room.

The lawyers agreed to donate their time and effort in gathering information and compiling a brief to submit to the court.

Adversary hearings on the case are scheduled for April 18. The lawyers plan on drawing up the brief Saturday at the

(Continued on Page 2)

Gunman kills bar patron here

By GEORGANNE LOUIS
Gazette Staff Writer

William Stanley McMillan Jr., a 42-year-old Gazette printer, was killed by two pistol shots as



"Mrs. Hatfield told the man they would be coming to get him and he said he'd just wait."

Both Mrs. Brumfield and a bar maid had run to telephones to call the police.

Patrolman Tony C. Kozlowitz

MRS. BRUMFIELD said Mrs. Hatfield sat in the booth without a drink, and McMillan returned to the booth.

About 10 minutes later, the gunman walked in and joined the pair.

Bar patron killed

his woman friend at the time of the shooting.

McMillan, an average built six-footer, was described as a dapper dresser who never talked much about his past.

He was born June 10, 1929, in Leavenworth, Kan., son of Mr.

and Mrs. William Stanley McMillan Sr. He worked as a printer in Wyoming before joining The Gazette in May, 1967.

HIS ONLY KNOWN relatives are an aunt in Leavenworth and a brother in Texas. Funeral services are pending at Michelotti-Sawyers Mortuary.

On Sunday afternoon, Hatfield retained Billings Attorney Charles F. Moses to represent him. He is expected to be arraigned in court Monday morning.

Hijack

jetliner over Provo in southern Utah's lake and mountain country shortly before midnight.

A 12-hour search by 200 officers ended with the FBI staking out McCoy's residence in the university city of Provo, two blocks from the city center.

Friday's hijacking was the seventh involving parachutes in just under five months. FBI agents say it was not connected with any of the others, including the one involving a man known as D.B. Cooper, still sought after bailing out over Eastern Washington with \$200,000 he got from Northwest Airlines.

An FBI spokesman in Salt Lake said, "we're not working on the theory" that McCoy and Cooper were the same person. He said the agency could find no link between the two.

Neighbors of the McCoys said he was a former Sunday school teacher and Mrs. McCoy was a case worker with the county welfare department.

B52s

gles northwest of An Loc, behind North Vietnamese lines.

At the same time, a 300-man airborne force landed by helicopter and secured the district town of Chon Thanh on Highway 13 just north of the scene of Sunday's fight.

Lt. Gen. Nguyen Van Minh, commander of the Saigon region, ordered Brig. Gen. Le Van Hung, commander of the 5th Division, to take personal command of the An Loc battle.

An estimated 30,000 troops from three North Vietnamese divisions — the 5th, 9th and the Binh Long — two artillery regiments, and a tank unit with 10 PT76 light amphibious vehicles were reported to have surrounded An Loc. The town is defended by about 10,000 regular troops from the South Vietnamese 5th Division, rangers and militia forces.

In the action around Da Nang, on the coast about 100 miles south of the DMZ, enemy forces tumbled two South Vietnamese bases that had been blocking points for any push eastward toward the populous coastal lowlands.

They were Fire Base West and Fire Base O'Connor 36 miles south of Da Nang, and about four miles apart.

But elsewhere, the South Vietnamese, with 400 U.S. air strikes backing them up, held on.

ConCon

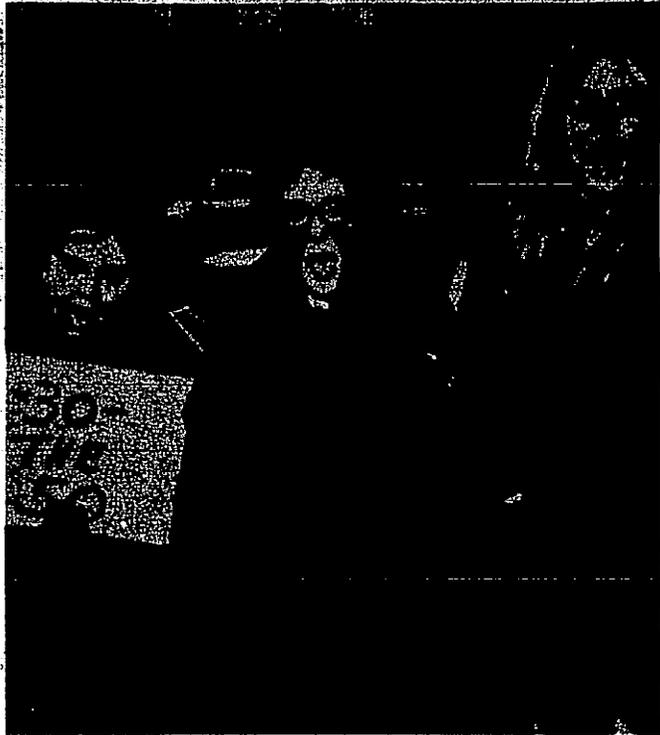
home of Jerome Loendorf, R-Helena and submitting it to the high court April 17.

Basic issues to be discussed include precedents set by constitutional conventions in other states, the powers of the convention as set out in the present constitution, the plenary powers of the convention, the basic structure of the Voter Education Committee and the enabling act that established the Constitutional Convention.

The recently adjourned North Dakota Constitutional Convention had budgeted \$90,000 on voter education, delegates pointed out.

Hijacking is foiled

SAN DIEGO, Calif. (UPI)—A



Stag clubs pro

Women pickets yell at guests arriving at the Gridiron Club in Washington, D.C. About 30 women, protesting what they called stag clubs, marched back and fourth before the entrance.

Scott won't attend Os

HOLLYWOOD (AP) — It's Oscar night at the Los Angeles Music Center on Monday and again to nobody's surprise, George C. Scott won't be there.

By tradition, last year's winning stars appear at the Academy Awards to present Oscars to the new winners. But Scott refused to appear or to accept his award a year ago for "Patton." Nominated again this year for "The Hospital," the actor failed to respond to his invitation to be on the Oscar-cast.

"We assume that he's not

coming," said an Academy spokesman.

Another no-show is Bob Hope. His wit has been a feature of most of the Oscar telecasts for the past 20 years.

"I wasn't asked this year," said the comedian. But he denied any pique.

It's possible this year that all acting winners will be present to accept their awards—a rare occurrence in recent Academy history.

The other best-actor nominees—Gene Hackman, Peter Finch, Walter Matthau and Topol—are expected to be in the

Music Center audience. Fonda, heavily favored for "Kluge," will be present as will Janet Suzman, Julie Christie, Glenda Jackson and Vanessa Redgrave, also were nominated for actress, have declined.

Among the supporting nominees, only Margaret O'Brien will not be present.

The show begins at 8:15 p.m. EST with a production starring Joel Grey, "Camera, Action!" The featured songs and their artists include "Hills

Johnson better, doctor says

CHARLOTTESVILLE, Va. (UPI)—Former President Lyndon B. Johnson shows "definite signs of improvement" in his recovery from a heart attack, doctors reported Sunday.

The physician who treated Johnson for his near-fatal attack in 1955 and a long friend, Dr. John Willis Hill, also remained at the patient's bedside in Atlanta hospital.

Law would have forced disclosure by ITT: expert

WASHINGTON (UPI) — An expert on the new federal campaign spending law said Sunday that ITT's controversial promise of a cash subsidy for the Republican National Convention would have been disclosed in detail if the law had been in effect last year.

Herbert Alexander, who helped draft the General Accounting Office's regulations on the law which took effect Friday, said, "There would have been full disclosure on the ITT or alleged ITT contributions."

Discrepancies over how much ITT pledged have highlighted the Senate Judiciary Committee investigation into a possible connection between the contribution and an antitrust settlement involving the giant conglomerate.

Alexander said that under the new law "there would have been disclosure not only of the amounts actually contributed and the names and addresses and identification of the contributors to the convention fund, but also of any expenditures which have been made or will be made."

Alexander, the director of

Citizens' Research Foundation in New Jersey and author of books on campaign financing made the comments in a UPI Washington Window interview.

The Federal Election Campaign Act, he said, requires "listing of promises, contracts or agreements to make contributions" which must be detailed in periodic reports to the Comptroller General who monitors presidential campaign spending.

A section of the law, Alexander said, "requires each committee or other organization representing a state or political subdivision such as the city of San Diego or the city of Miami Beach which holds a convention or which offers money to hold a convention to make reports. It also includes

arrangements committees of the national parties."

San Diego had promised the Republican Party up to \$800,000. ITT President Harold Geneen told the Senate committee that \$200,000 of the sum would be donated by ITT's subsidiary, Sheraton Hotels.

However, Rep. Bob Wilson, R-Calif., in a tape-recorded interview with the San Diego Union, said Geneen personally pledged a \$400,000 guarantee to help subsidize the GOP convention.

There are penalties ranging up to a \$5,000 fine and five years in prison, or both, for conviction of serious violations of the new rules that will affect this year's presidential and congressional primaries and the general election.

'No ConCon copies' says ex-candidate

BOZEMAN (AP) — Tom Winsor, a 1970 Republican congressional candidate and Bozeman insurance man, has criticized "the lack of public access to copies of Montana's proposed new constitution."

Winsor said the electorate, which is to receive copies of the document May 7, is presently unable to acquire duplicates through normal channels.

"The secretary of state's office informed me that they have no copies other than two for their office," said Winsor.

He said he finds it "impossible to support or reject the document when the public is unable to get copies."

Although voters will have the document in hand a month before the June 6 election to accept or reject the proposed constitution, Winsor said, "I think it is a disservice to the delegates ... and to the public ... to allow so little time to give this document intelligent, reasoned debate. A constitution deserves more."

Although up to 50 copies of the document were given to delegates and some lobbyists, Winsor said, "their copies are not for public distribution. They are to be used at delegate-led study groups and meetings."

Winsor ran for the Republican nomination to Montana's 1st Congressional District, the seat now held by Rep. Dick Shoup, R-Mont.

SHAKEY'S
 PIZZA PARLOR &
 YE PUBLIC HOUSE
 24th St. West
 and Broadwater
 (atmos)
 OLD TIME MOVIES
 4-8-10 P.M.

STARTS WEDNESDAY!

A Hal Wallis Production
 Vanessa Redgrave - Gerald Jackson
Mary, Queen of Scots
 CINE 3
 9th & Broadwater

MAVIES Last 2 Nights!
 Scott Cameron

103
 \$5000
 To purchase...
 COLONIC IRRIGATION...
 Massage... \$10

Legals
 IN THE DISTRICT COURT of the Thirteenth Judicial District of the State of Montana...
 JAMES FALLING...
 ERIC MICHAEL FALLING...
 NOTICE OF HEARING PETITION TO PROBATE WILL...
 IN THE DISTRICT COURT OF THE THIRTEENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA...
 NOTICE IS HEREBY GIVEN...
 HARRY M. REED, Deputy Clerk

107 Insurance
 HARTFORD AGEN
 Peter Yegen Jr.
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109 Services & Repairs
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 Janney's 259-1919 308
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 tion needs, private & comm

Charged with arson
 THOMPSON FALLS (AP)—
 Mary DeLong, 18, Thompson
 Falls, is free on \$2,500 bond
 pending arraignment on
 charges of second-degree arson.