

Missoulian

Missoula, Montana Thursday, June 1, 1973 10

Nixons to End Journey Today

By GAYLORD SHAW
Associated Press Writer
WARSAW (AP) — President Nixon returned to this Communist capital Wednesday, retracing his steps of 13 years ago, and received a warm welcome from an estimated 300,000 clapping, chanting Poles.

The crowd appeared to be larger but not as emotional as the throng of a quarter-million that mobbed Nixon here in 1959 when he was vice president, said correspondents who made both trips.

At one point Wednesday, however, the crowd spilled through police lines onto the streets of downtown Warsaw, halting the presidential limousine.

After the motorcade Nixon talked for nearly 90 minutes with Polish Communist leader Edward Gierek and then was honored at a state dinner.

In his toast, Nixon referred to the proposed European security conference and suggested reductions in the armed forces of the Warsaw and North Atlantic blocs.

"In the months ahead, we can look forward to new progress in the building of a broad structure of friendship and cooperation throughout Europe," Nixon said.

But he added he wants the

European conference carefully prepared so that it will have a real promise of achievement.

"We should like to see early talks on the reduction of the ground forces facing each other in Europe," he said.

"One objective is a reciprocal reduction of forces that will leave both sides more secure, or at least not less secure."

Switching to Polish, Nixon ended his toast with "Niech żyje przyjaźń Polsko-Amerykańska"—Long live Polish-American friendship.

Polish Premier Piotr Jaros-

zewicz said Poland sees "great possibilities of considerable broadening of Polish-American bilateral relations."

"In the results of the Soviet-American talks we see the practical confirmation of the principles of peaceful coexistence and a sign of transition from the era of confrontation to the era of negotiation," he added.

Nixon flew here from Tehran, Iran, where a series of terrorist bombings caused tight security to be imposed on his departure. Poland, the Communist

world's third largest country, is the fourth and final stop in a journey that has carried Nixon to summit talks in Moscow and break-through agreements with Soviet leaders.

The President travels back to Washington Thursday and plans to report to a joint session of Congress Thursday night on his historic week of talks with Kremlin leaders.

At Warsaw airport, Nixon said his visits here and to Moscow were intended to help "build a new structure of peace in the world."

Mills Plans Systematic Reform of Income Tax

WASHINGTON (AP) — Legislation calling for an orderly and systematic review of almost all tax provisions giving special treatment to particular income categories was introduced Wednesday by Rep. Wilbur D. Mills, D-Ark.

Mills, chairman of the House Ways and Means Committee, proposed termination of 18 tax provisions for each of the three years starting January 1, 1974.

The idea behind the legislation, he said in a statement, is to "assure that tax reform will be considered in the period ahead in a manner which will give assurance of adequate examination of various proposals in an orderly and systematic review."

The review would apply to all provisions of the Internal Revenue

Code which give special exclusion or deduction, or special tax rates to any particular group or category of income.

Mills said his committee would review each of the items that would be terminated prior to the termination date provided in his bill.

It then would make recommendations as to whether they should be terminated on schedule, continued, or modified.

Mills said the size of the task of changing the laws "is such that it makes more sense to consider tax reform on a continuing basis in the years ahead."

A committee spokesman said no hearings have been scheduled for the bill and none may be held this year, since the first group of provisions affected

would not be terminated prior to 1974.

A Treasury spokesman later called the Mills proposal "an interesting procedural format" for tax reform and added that his approach of delaying reform until the next two sessions of Congress "is completely consistent with the views of this administration."

But the Treasury, apparently commenting on the substance as well as the procedure of Mills' proposals, said the provisions involved would "affect the economic status and well-being of millions of taxpayers."

As a result, the procedure itself requires the most intensive study in order to make certain that the approach would

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The Japanese terrorists flew into Tel Aviv from Rome on a state-run Air France aircraft whose flight originated in Paris.

Stung by Mrs. Meir's censure, France declared through a government spokesman, "The French government can only express its surprise at certain official Israeli statements."

On arriving in the crowded Tel Aviv terminal building, the three Japanese pulled Communist-made submachine guns and grenades from their luggage and started shooting.

One of them was believed killed accidentally by a bullet fired by one of the other attackers; a second committed suicide by exploding a grenade after spraying two aircraft with shots; and the third attacker was captured.

Easy Scan and Print

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Turn to Page 2, Col. 51

Bitterroot River Expected To Reach Peak Today

By JO SCHLOEMER
Missoulian Correspondent

HAMILTON — With the high water mark expected Thursday, the roiling waters of the Bitterroot River were beginning Wednesday to wreak havoc in areas up and down the 80-mile long Bitterroot Valley.

Roads were reported flooded and a bridge washed out on the east fork of the river, Wednesday and a number of cars were stranded as the waters continued to surge towards flood stage.

On the south end of the Valley, near Skalkaho, private drives were washed out and a bridge on old Grantsdale Road collapsed as the rushing waters weakened pilings.

A tree north of the Woodside

Bridge in the central valley area five miles north of Hamilton tumbled onto a powerline Wednesday. The resulting power failure caused a blackout for residents west of the river for more than two hours.

While damage Wednesday remained minor, Robert Curry, a geology professor at the University of Montana, said the river may hit what is termed the "50-year flood level" Thursday causing more severe problems for valley residents.

He said the 50-year flood level is a term used to describe the maximum height the river will normally attain during a 50-year period.

The river was peaking in the southern end of the valley Wednesday, Curry said, and the

east fork in that end of the valley rose to a height that surpassed by a foot the previous record set in 1947. The river rose from 9.3 feet Tuesday to 9.95 feet Wednesday in the central valley, Curry said. The previous record for the river in that area was 10 feet in 1967.

He predicted, at least another foot in water depth in the north valley Thursday before the water begins to recede.

Snow readings taken Wednesday by the Soil Conservation Service indicated snowpack "two or three times greater than is normal for this time of year," Curry said.

At Stevensville, city officials will meet Thursday to discuss whether to close the city dump which is threatened by the rising waters.

Public Funding of Private Schools

is or help pay student expenses schools.

ig the prohibition. Constitutional delegates agreed that the state use public funds which would indirectly aid any religious or fraternal institution. And they even if state aid were deemed state could ill afford anymore expenditures.

ution In Review

argued unsuccessfully that if tion fails. Local school taxes. Others suggested that nonpublic could get some support because it

offers an alternative to public education and thus brings educational diversity.

The proposed constitution would retain and expand the present nondiscrimination in education section of the constitution.

Attendance at religious services could not be required, and religious beliefs could not be "advocated" in public schools. The word "taught" in the present document, delegates felt that using the word "taught" could prevent teaching objective courses like studies of comparative religion or religious history.

The nondiscrimination clause, presently prohibiting only discrimination on the basis of sex at the universities, would be expanded to bar discrimination in any public educational facility on the basis of sex, race, creed, religion, political beliefs or national origin.

The present section banning any religious or partisan test for teachers or students to be admitted to a school also would be retained.

The proposed education article also would include a section recognizing "the distinct and unique cultural heritage of the American Indians" and would commit the state to preserving it.

While some have complained of reverse racism, the intent is to prohibit a white-dominated educational system from downgrading or destroying Indian culture. It would also clarify the state's obligation to provide education for Indians.

The section could be used to justify bilingual educational programs for Indian children or to insure that one-sided white news of Montana history would not prevail.

Tomorrow: Local government.

EDITORIAL PAGE — Editorials, Letters, Opinion

Three Results

The hassle in which the Montana Supreme Court threatened to discipline Constitutional Convention Pres. Leo Graybill for criticizing the court produced three objectionable results:

1. The willingness of the court to disregard the First Amendment to the United States Constitution, which guarantees Graybill's (and every other citizen's) freedom of speech, and misuse its disciplinary power over Montana lawyers to bring Graybill to his knees.

2. Graybill's abject obeisance before the court, in which he knocked his head on the carpet in apology, and squashed truth and honor between floor and forehead. He hinted before the court that he had been misquoted in the story by Gary Langley that appeared in The Missoulian about his remarks critical of the court.

Stuff and nonsense. Langley's story on Graybill's talk in Missoula quoted Graybill's remarks about the court accurately, as others who heard Graybill could attest. Langley's professional integrity and reputation thus were maligned and sacrificed by an enslaved lawyer begging for his professional life before the Grand Inquisitors.

3. The non-reaction to the court's absurd behavior by the members of the Montana bar. In defense of freedom of speech, in defense of their own right to speak out concerning the Montana Supreme Court and its misuse of its disciplinary power, in defense of one of their own members in danger of being

crushed by that misuse, members of the Montana bar, bravely took the following forthright stands and actions:

Local Comment

Perspective on 'Scare Talk

Mr. Eckel is managing director of the Montana Motor Transport Association, which represents trucking interests. — The Editor

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There was an abundance of talk at the constitutional convention about the people's "right to know," and I think the people should know the facts about the "scare talk" concerning the anti-diversion section of the new constitution about which the first vice-president of the convention wrote recently (May 18).

His unauthenticated statement that there is "no control whatsoever" over money turned over to the Highway Department is untrue. At every regular session of the legislature the Highway Department must submit a budget, just like any other department, and it can be adopted, changed or rejected by the legislature.

The first vice-president indicates that the new constitution directs aid to cities

and counties for their streets and highways. This is already taking place—\$1.8 million going to cities and \$1.2 million to counties annually.

His statement that "it is not true that the new provision will destroy Montana's highway program" needs careful scrutiny.

The new constitution will remove the new vehicle tax of \$1,192,000 from highway funds. An added burden will be an additional \$1.4 million for operation of the Highway Patrol, if the Supreme Court reverses a district court decision, and \$200,000 more for driver education. These three items come to \$2,792,000 of state highway money.

At the current matching ratio of 80 per cent federal and 20 per cent state funds, the loss of \$2.8 million in state funds would result in unmatched federal funds of about \$11.2 million, or an overall reduction of \$14 million in the construction and preconstruction

highway programs.

This kind of curtailment may not destroy the Montana highway program but it sure will put a crimp in it.

It is a delusion to think there is going to be all kinds of money for city and county streets and highways because of the new constitution. It must be remembered that Montana's highway system, according to the Highway Department, is about 40 per cent deficient right now.

Also the people should now that there will be less highway money if the legislature, under the new constitution, in its wisdom, should decide to divert some of the highway funds to balancing the budget, meeting school foundation requirements, or increasing public welfare.

I think everyone agrees that Montana needs the best highway system its highway users can pay for. — Leonard W. Eckel, Helena.

McGovern Goes to the Left

By WILLIAM F. BUCKLEY JR.

They are saying (Scotty Reston is saying). Ergo. They are saying that George McGovern might actually become the president of the United States. The reasoning is simple-complex. To begin with, nothing is happening the way it ought to have happened. Three months ago it was not thought by any professional that Ed Muskie could be stopped. Ed Muskie! As well nominate Harold Stassen at this point. And what did he do to earn such sudden, permanent obloquy? Nothing at all, just act normal. Moral of the season: Act abnormal.

That is what George McGovern has for the most part been doing. Going left, left left, ostensibly alienating the middle people, who are supposed to be

But it doesn't stop McGovern. Nothing stops McGovern. I doubt if McGovern would lose a primary if he said that on second thought he wishes the Arabs would take over Israel. Or has he said it already, and nobody noticed?

So — they are saying — who knows? Are the American people just being perverse, backing a nice man to whom it would be thought-risky to entrust a college seminar? What then, if you add the balls Richard Nixon is juggling, one of which he might drop? Suppose that in October the North Vietnamese topple the Thieu government, by military or political pressure? Or that unemployment and inflation begin to gnaw deeply? Or that the dollar is sold down

moment, the cost in human life, The human agony. Think of it only if you can, as a national enterprise. It is as if we had launched an Apollo missile to the moon every month for the last seven years, and everyone of them had failed, though they cost a billion dollars each and the scientists kept telling us that the next one would surely work, and the president proclaimed that confidence in American technology absolutely required that we proceed.

The reversal of our SST program is not unrelated to the national mood — that lack of self-confidence which is the principal psychological hangover from the Vietnam war, and I for one wish that we had never entered Indochina, rather than conduct ourselves as we have conducted ourselves

ready to give all of that up provided the government will send them a check every week and pay the medical bills and take away H. L. Hunt's money. Indeed anything can happen, and a lot of it certainly will if the McGovern phenomenon goes on. And though by orthodox

analysis the Republic entitled to cheer McGovern primary, edging the incumbent and further along the landslide victory, they watch it. The Gada as Mr. Muggerridge are frisky.

The Jo

By RUSSELL BAKER

(C) New York Times News Service

WASHINGTON — The kids, the kids. Remember the kids? Of course. Who could forget? They were the hit of the sixties, the agony and the glory. Already we begin to miss them. The music is tired. Everybody is getting older, duller. The country feels knee-deep in lint.

Opinion

Local Comment

Results

crushed by that misuse, members of the Montana bar bravely took the following forthright stands and actions:

Court Must More Respo

For some time I have been deeply disturbed about the lack of communication that has existed between the higher courts of our state and the public. When the court makes a decision, like the State Supreme Court, it seems that we the public are supposed to accept the decision without any explanation as to why that decision was made. It seems that the higher courts are above explanations to the public, and therefore not responsible to the public for their various decisions. So decisions are made, and the public is left guessing why. That ought not to be.

Recently, a decision was made by the Supreme Court of Montana that the constitutional convention delegates could not use the money they saved at a sacrifice to themselves to educate the public about the new constitution. While the papers offered some reasons, the court did not offer a real, clear, and sound reason why that decision was made.

Regarding that decision, money had been appropriated by the State Legislature to pay the delegates while they were in session — and the longer that session lasted, the more of the appropriated money would have to be used. The delegates saw as their responsibility the task of informing the public about the constitution so they could make a wise decision. So the delegates, in an age when too often there is a gross lack of communication between public officials and the public, sought ways to build a bridge of communication, without using a cent more of money that had been appropriated to the convention. And this is what they did: They saved \$22,000 on postage by getting a much lower rate from the postal service. They saved at least \$12,000 on printing by putting the job of printing out on bid. They took out many of the telephones that had been given for their use and saved a considerable amount on telephone bills. They worked overtime, late into the nights, night

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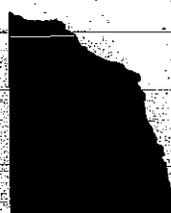
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Local Comment

Court Must Be More Responsible

These members of the court took the following actions:

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after night, to conclude the convention in less than nine weeks with a saving of thousands of dollars more. The result was that at least \$58,000 was saved for use in bridging a communication gap, so the voters could vote intelligently, so this could be in reality a government, and a new constitution, of the people, by the people, and for the people.

But the Supreme Court said no. No, you have no right to educate the people with such funds.

It seems grossly unfair that the court has ruled as it has, and the people of Montana have a right to know exactly why. You, the members of the Supreme Court, are not untouchables, sitting in judgment. You are our public servants — and have a responsibility to inform the public of what you are doing.

Now, Leo Graybill has chosen to criticize the court — using a prerogative which should belong to all the people of Montana — that of freedom of speech. And the court says no, you must not criticize us. It implies the court is above criticism from a lawyer (who it seems ought to have the free speech since he is acquainted with the process of justice). It seems what the court is saying is that the only ones who have the right to criticize are those who do not know well the process of justice. So I ask the court — what are you doing? Why are you trying to limit the free speech of a man who is concerned about your action? Give us an accounting — we, the people, have a right to know. If our government is truly one of the people, by the people, and for the people, we have a right to know. Give us an accounting, so that respect can be gained, not out of an uninformed submission to your rulings, but out of knowledge. Our nation is built on a system of checks and balances — and that system will not work if the public is left uninformed. For the public must indeed be, in a democracy, a part of that check and balance. — **Herb Knutsen, Bonner.**

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Dinner Kicks Off Park Birthday Gala

CODY, Wyo. (AP)—The speeches were short and the \$17.50 per plate dinners delicious Tuesday night as more than 1,700 persons gathered in Cody for a dinner to mark the beginning of the Wyoming celebration of Yellowstone National Park's centennial year.

Featured speaker was the director of the National Park Service, George Hartzog. But he spoke only five minutes as those in attendance renewed old acquaintances and settled down to enjoy their broiled steak dinners.

"The Park Service grew out of the ashes of the Civil War," said Hartzog, "and now we are showing the way to 90 nations

in the value of national parks. This fall representatives of 90 nations have been invited to attend a national parks symposium at Yellowstone and Grand Teton national parks.

Serving as master of ceremonies for the gala affair was Wyoming Gov. Stan Hathaway. Other dignitaries in attendance were U.S. Sen. Cliff Hansen, former Wyoming Gov. and U.S. Sen. Milward Simpson, Yellowstone Park Supt. Jack Anderson and 95-year-old Nellie Tayloe Ross, a former Wyoming governor who was the nation's first woman head of state.

The three-day celebration in the northwest Wyoming community continue Wednesday with tours of the picturesque park, which became the nation's first national park in March 1872.

HERE'S ONE REASON WHY COL. TOM C. DAVIS SUPPORTS THE PROPOSED CONSTITUTION



The proposed 1972 Constitution allows government to adapt to changing conditions. The 1889 Constitution fails to provide the flexibility needed to deal with modern problems.

Paid Political Advertisement by the Citizens Committee for Constitutional Improvement, Donna Muffick, Sec., Helena

Board Says Counties Rectify Appraisals

HELENA (AP) — All 56 Montana counties were reported Wednesday to be proceeding with reviews of their original classification, grading and appraisal programs to establish current real-estate assessment figures.

In fact, 14 counties have completed "this further re-examination," the State Board of Equalization said in a prepared statement.

The statement was issued in reply to what the board called "the uninformed remarks being made by certain delegates to the Constitutional Convention regarding the appraisal or reappraisal and reclassification of real estate in the counties in eastern Montana."

"Specifically, some delegates are asserting that eastern Montana counties have not complied with the Reclassification Act of 1957."

"This, quite simply, is not true," the board said.

In addition to current review work, the board said 54 counties have completed sales-ratio studies to determine assessment levels.

Classifying and grading the more than 54 million acres of agricultural land in Montana was handled by the various boards of county commissioners with help from appraisal firms or state fieldmen. County commissioners also appointed advisory committees to work

with the classifiers to determine the use and productivity of agricultural lands and values of town lots.

"Many millions of dollars were expended by the counties and the state in this program to achieve greater uniformity and equity in the assessment process," the board said.

"Since 1962, the State Board of Equalization has made studies of assessment levels in all counties," the tax agency said.

"Where the need for review and readjustment is found, county officials are required to maintain current the equalization of the assessable properties involved."

"In some instances," the board said, it has been necessary "to resort to court action to compel county officials to maintain current the classification and grading of lands and the appraisal of city and town lots and urban and rural improvements."

ABM Storage Unaffected By Agreement

GLASGOW (AP) — The halt of construction at Montana's ABM missile sites near Conrad will apparently not affect work on the Safeguard storage depot at the former Air Force Base here.

The commander-in-charge of the storage depot, Col. Edward Tophan, said the Department of Defense has not indicated a closure of the facility is forthcoming.

He said the installation, which will eventually employ about 70 persons, most of them military, was set up to act as a supply depot for all ABM sites in the U.S. and its function was not tied solely to the Montana project.

He said contracting work on the depot should be completed some time in August.

CONVENT CITY

There are 579 convents in Rome.

DISPLAY ADVERTISING DEADLINES

Monday	Wednesday 4 p.m.
Tuesday	Thursday 4 p.m.
Wednesday	Friday 4 p.m.
Thursday	Friday 4 p.m.
Friday	Monday 4 p.m.
Saturday	Tuesday 4 p.m.
Sunday	Wednesday 4 p.m.

thesis exhibition

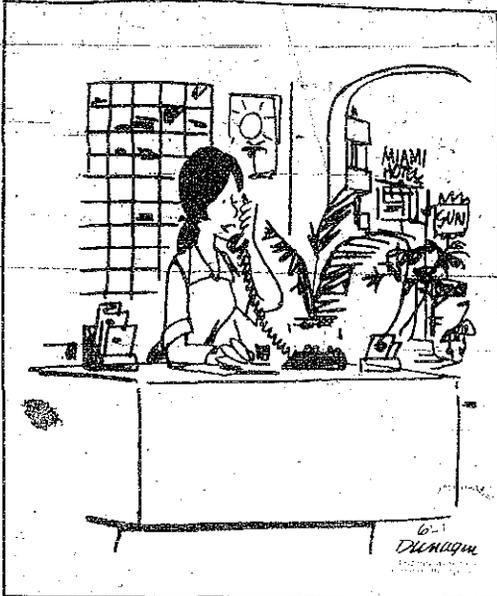
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CERAMICS
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PAINTING

June 1 - June 7
GALLERY OF VISUAL ARTS

Turner Hall
U of M

DUNAGIN'S PEOPLE

by Dufagin



"NO, WE DON'T HAVE A PRESIDENTIAL SUITE, BUT WE HAVE A FRONTRUNNER SUITE."

Constitution Passage Keyed to Knowledge

KALISPELL (AP) — If the proposed constitution is defeated, it will be because it misunderstands its provisions, Rep. James E. Murphy, R-Kalispell, said Wednesday.

Murphy, the vice chairman of the Constitution Revision Commission, said he hopes the people of Montana will take the trouble to read and understand the proposed constitution.

"If they will do this, they will have the proper basis on which to judge the document and the good sense to support it," Murphy added. He said, however, that if this is not done, then years of effort and a substantial amount of the taxpayers' money will have been wasted needlessly.

"The proposed constitution deserves the support of the people of Montana because it is a good document and is a decided improvement over the

present constitution," he added. Murphy said some who are most vocal in their support attempt to make it appear that sinister special interest groups are opposing the constitution to thwart the best interests of the people. And, he said, some who are most vocal in their opposition seem to rely on scare tactics and phrases which misinterpret and misrepresent the proposed document.

Gunman, Aide Rob Banker

SAN ANTONIO, Tex. (AP)

Bourdeau Checking On Dentists

GREAT FALLS (AP) — Cascade County Atty. J. Fred Bourdeau said Tuesday he intends to request or subpoena, if necessary—all county dentists who have done dental work on welfare recipients to discuss alleged welfare charge infractions.

The disclosure of discrepancies in welfare dental charges was made earlier this month in a Legislative Audit Committee report, a copy of which Bourdeau received Tuesday.

Bourdeau said he would request the dentists to appear whether or not their books were audited.

The total discrepancy in Cascade County is \$919, of which the county's share was 15 per cent, or about \$147.

Bourdeau said letters have been sent to state and federal officials asking if funds are available to complete the work begun by the legislative committee. Federal officials were also asked if an agency could assist in, or take charge of, the investigation.

He said it would be unfair for the county, contributing only 15 per cent, to stand the total cost of the investigation when state and federal funds made up for the largest share of the discrepancies.

30 PER SQUARE MILE

Africa averages only 30 people per square mile.

DOLLAR DAY EVERY DAY

4 for \$1

HAMBURGER KING

4 hamburgers, or 2 hamburgers and 2 shakes or 4 shakes, or any combination of the above.

501 N. Higgins across from the Missoulian

GD Char

By TOM SEPPY
Associated Press Writer
WASHINGTON (AP) — A federal grand jury charged General Dynamics Corp. and four present and former officials Tuesday with conspiring to defraud the government by charging the Air Force for defective parts for the F-111 fighter-bomber.

As part of the conspiracy, the indictment said, the defendants concealed from the Air Force unauthorized production procedures by a subcontractor. None of the parts were turned over to the Air Force or used in the construction of the

F-111, the Just said.

The two-count returned in U.S. in Dallas.

The indictment Manufacturing Ridge, Ark., a northeast of Li subcontractor— dynamics on the l

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OCCIDENT FLOUR

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LARGE PLATT

THIS WEEKS
SERVICE PIECE SPECIAL
Redeem This Coupon

SAVE \$2.30

Charged With Conspiracy

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said.

The two-count indictment was
returned in U.S. District Court
in Dallas.

The indictment said the Selb
Manufacturing Co. of Walnut
Ridge, Ark., about 120 miles
northeast of Little Rock, was a
subcontractor for General Dy-
namics on the F111.

The company manufactured
carry-through plates, which are
critical parts of the center sec-
tion of the F111 wings and long-
erons, which are main braces
in the fuselage. According to
the indictment, an unspecified
number of parts made by Selb,

were welded in violation of con-
tract specifications.

General Dynamics, the in-
dictment said, scrapped the

Sen. Goldwater Undergoes Surgery

BETHESDA, Md. — After
what was described as a com-
pletely successful operation for
removal of his gall bladder,
Sen. Barry Goldwater was
reported in excellent condition
at Bethesda Naval Hospital,
near Washington. His office said
he will be hospitalized 10 days
to two weeks.

parts but instead of Selb taking
the loss, General Dynamics as-
sumed financial responsibility
and the cost was passed on to
the Air Force. Under its con-
tract, the Air Force was to pay
percentage of normal waste
materials costs.

Indicted in addition to Gen-
at Dynamics were

Henry C. Jones Jr., 52, of
Fort Worth, Tex., former vice
president in charge of material
and purchasing of General Dy-
namics and now vice president
for contracts and planning.

A. K. Lawley, 55, of Fort
Worth, subcontract operations

manager for General Dynam-
ics.

Neuman L. Johnson, 51, for-
mer chief of outside production
and now assistant to the direc-
tor of manufacturing for Gener-
al Dynamics.

John T. Bailey, 56, former
manager of procurement for
quality assurance for General
Dynamics and now quality con-
trol manager of United Heat
Treat Co. of Fort Worth.

Maximum penalty upon con-
viction of conspiracy is five
years in prison and a \$10,000
fine and for submitting a false
report, five years in prison and
a \$10,000 fine.

**ACCIDENT
FLOUR**

19¢
5 lbs.

**CELLO
CARROTS**
U.S. NO. 1

15¢
lb.

**SEEDLESS
GRAPES**
U.S. NO. 1

49¢
lb.

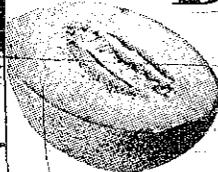


LARGE PLATTER

THIS WEEK'S
SERVICE PIECE SPECIAL
Redeem This Coupon

SAVE \$2.30

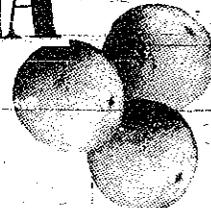
PRODUCE BONANZA



U.S. NO. 1



U.S. NO. 1



CHOICE

The Missoulian

July 1, 1873

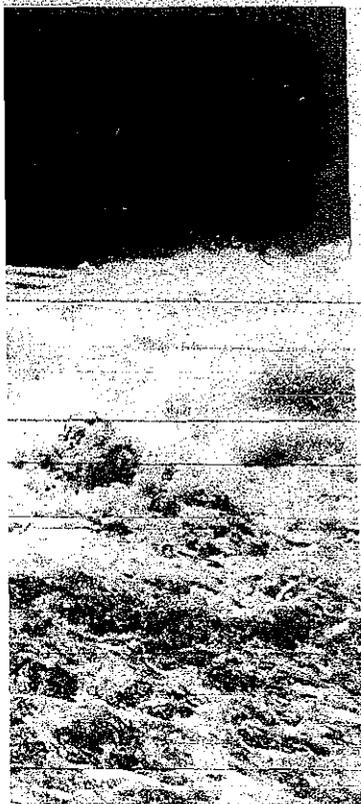
Missoula, Montana, Friday, June 2, 1972

SINGLE COPY

10¢

Carrier Delivery Price Is Lower

Area Streams Rise Above Flood Stage



was 11.3 and it's expected to hit as 13.1 Sunday. (Staff Photo by

By LAWRENCE PEDERSON
And JO SCHLOEMER

River forecasters in Portland, Ore., predicted Thursday the fast rising Clark Fork River will be more than two feet above flood level by Sunday — a level which could threaten U. S. Highway 10 east of Missoula, irrigation headworks, Orchard Homes and some homes along South 3rd Street.

The river stage at the Milltown Dam was reported up to 11.3 feet in Thursday-afternoon from 10.9 in the morning.

Friday's level is predicted at 11.8, Saturday 12.1, Sunday 13.1 and Monday, 13.2. Flood level is 11 feet.

National Weather Service said it is not certain if the river will only peak early next week or if high water will pass at that time.

Some cooling is expected at high levels toward the end of the week, a Weather Service official said. No rain showers are expected which might contribute to even higher water.

Debris-laden waters west of Missoula forced another closing of Harper's Bridge, this time with the added fear a portion of the bridge may wash away.

County Surveyor Elmer Frame said several pilings in the middle of the bridge are broken and will have to be replaced

before traffic may resume.

He said although the bridge has been officially closed since water hit the eight-foot mark, many area residents have continued to use it. Large piles of earth were placed at each end of the structure, however, to make certain no vehicles use it.

Water is running through rip-rap and over the road leading to the north side of the bridge, but there appears to be no problem.

Frame said the lower road leading to the south side could easily wash out as the water rises, however.

The rising Bitterroot River near Lolo is being diked near the Lolo, sewage treatment plant. Frame said Army Corps of Engineers is working to keep the sewage lagoons from being washed out.

He said most smaller creeks around the county are going down and there are few other problems.

In Granite County, the Lolo National Forest has warned against any through traffic on Rock Creek road, particularly in the vicinity of the old Rock Creek Ranger Station.

Officials said the creek has flooded across various parts of the road and normal automobile travel will be hazardous until the water recedes.

The Bitterroot River set a

record high of 10.3 feet Thursday morning, topping the 1967 record of 10 feet.

The Sleeping Child area southeast of Hamilton was hit hard as county crews worked to protect bridges threatened by the runoff. The road and bridge leading to Sleeping Child Hot Springs was completely under water. However, the manager said business was going as usual and advised patrons to wear boots.

Several homeowners in the area were reportedly sandbagging their residences in an attempt to protect them from the flood.

A falling tree damaged a bridge near Stevensville, and Kootenai Creek near Victor washed out a culvert, creating flood conditions in the area.

Robert Curry, professor of geology at the University of Montana, predicts that the river will not peak until Saturday. Curry plans to fly over the area Friday.

Curry said the river could hit the 50-year flood level by Thursday. Wednesday morning, he said, the river was moving 14,000 cubic feet of water per second, at a water level of 9.95 feet.

The 50-year flood level, he said, is 17,000 cubic feet per second, an approximate level of 10.9 feet.

EPA Adopting New Policy On Water Pollution Control

By STAN BENJAMIN
Associated Press Writer

halted by a court order last December but EPA officials hope

the letter said, the permits will in most cases require

of Speed

butors, revealing heavy support. Wallace said the contractors have not received any income for its \$6,500 sign. All expenditures made with association with no special assessment on the contracting firms make up its membership. Burger of Bozeman, ex-

ecutive secretary of the Farm Bureau, said the local Farm Bureaus are financing the Farm Bureau presentation with their funds. Crosby could not be reached for comment on where he gets his support. Of the \$10,885 collected by the pro-constitution citizens (Turn to Page 2, Col. 4)

policy requiring "best practicable" water pollution control by industries nationwide. The new policy replaces EPA's previous reliance only on the "professional judgment" of its regional officers in writing industrial discharge limits.

Specific instructions already are being prepared by EPA to guide the regional administrators in applying the policy once current legal obstacles can be removed from the agency's water quality program.

The new policy has not been made public but was expressed in a letter from John R. Quarles Jr., EPA assistant administrator for enforcement, to the heads of state water-pollution control agencies.

The Associated Press has obtained a copy of this letter, dated last May 25, which says the policy anticipates congressional passage of legislation with a similar standard.

Efforts by EPA and the Corps of Engineers to control water pollution by issuing industrial discharge permits were

block.

Meanwhile, said the Quarles letter, the processing of permit applications has continued "to the point where it is now possible to move ahead rapidly with the preparation of the permits themselves."

Most draft permits, he said, relate to major dischargers.

Quarles told state officials, "I have directed the staff ... to develop permit conditions designed to achieve 'best practicable' control technology currently available."

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Asked in an interview to explain the new policy, Quarles said "best practicable" means technology of demonstrated reliability whose cost is low enough to allow general use.

EPA is thus making this nationwide minimum requirement on all industrial dischargers, in anticipation that Congress may soon adopt such a standard anyway.

Quarles said higher levels of pollution control will be imposed, regardless of cost where water quality standards require them.

Wallace Moves Toes on Left Foot

FERRIS SPRING, Md. (AP) — Wallace's physical future for this reason: Any voluntary, that is, brain-controlled, movement of any part of his limbs, however slight, means that the governor's spinal cord is not completely severed as one published report had said within 48 hours after Wallace was felled by a would-be assassin's bullets.

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The report was attributed to an unnamed doctor at Holy Cross hospital where Wallace is convalescing.

Complete severance of the spinal cord—which provides a kind of bodily telephone cable between the brain and the limbs and other nerve-controlled structures—would mean that Wallace had absolutely no chance of any restoration of function to his paralyzed limbs.

BLUE SKY

Fair with little change in temperatures; high 75-80 and the low in the 40s. Chance of showers will be 10 per cent.

Insight and Inside

IF ALL
OUR SINS
ARE WASHED
AWAY
WON'T THAT
POLLUTE
SOMETHING?

More Delegates Come Out Against Document . . . Page 23

Miami Beach Prepares for Violence Page 20

Farm Bureau Blames Labor For Deficit Page 21

Laird Approves Bonuses for Enlistment Page 14

TV Schedule Page 10

Local Government Section Permits Some Local Option

(Editor's Note — This is the 20th in a series of stories examining key provisions of the proposed constitution and their effect on the people).

By DENNIS E. CURRAN
Missoulian State Bureau

HELENA — Local voters would be very important persons in their communities under the proposed constitution's local government article.

They would have the final say in choosing the form of government best suited to local needs.

And most important, they would be guaranteed a choice by 1976 under a unique voter review section of the proposed constitution.

Under the review section, every city, town and county in Montana would be required to review its structure and give the voters a choice between it and one alternative form of government.

Constitution In Review

While change would not be forced, neither would communities be forced to make do with what they've got. Voters could retain the traditional form of government if they wanted. Or they could substitute a new form in hopes of getting something better.

The new constitution also would require subsequent reviews at 10-year intervals.

The review procedure is part of a flexible, "do-your-own-thing" approach to local government which would offer cities, towns and counties plenty of options and involve the voters in most of them.

First, the legislature would be directed to provide optional forms of local government. Like now, any change would require a vote of the people.

Second, while traditional county government of 13 elected officials would be retained as one option, county commissioners could consolidate offices within the county or provide for shared joint offices with other counties. Three sparsely populated counties, for example, could economize by sharing a public administrator.

(Turn to Page 2, Col. 7)

Con' Spend

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JER SPRING, Md. (AP) — Alabama Gov. George Wallace Thursday was reported to have shown some slight movement of the toes of his left foot. It is the first time he exhibited any brain-controlled motion of his at least rarely paralyzed legs since he was gunned down May 4 at a political rally.

Joseph Schanno, the vas-surgeon who is leading a team of doctors on Wallace's case said, in reporting that "the over-all significance of this in regards to the final outcome of his paralysis is undetermined at this

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(Turn to Page 2, Col. 7)

CLON

Marian Harvat Falls was when the car n-went out of stana highway illings, about th of Acton. the car was er Martin Ed-also of Great not seriously treatment at a l. authorities

ighway Patrol the accident a rainstorm. ly went out of oad and rolled nan said. Mrs. own from the : crushed be-

ounty Coroner said she died internal in-

igs the toll of e roads to 120 mpared to 92 late one year

a.m., couch fire.
 Bob Lombardi, 200 block on West Front Street: 1:20 p.m., gasoline flush.
 Duane Mattson, 900 block on Toole Avenue: 1:40 p.m., car fire.
 Doug Amos, 800 Grant St.: 2:20 p.m., car fire.
 A gasoline flush at 133 N. Higgins Ave.: 4:27 p.m.

Births

ST. PATRICK HOSPITAL
 Mr. and Mrs. James E. Anderson, 332 LaVasseur St., girl.
COMMUNITY HOSPITAL
 Mr. and Mrs. Ronald Curtiss, Seeley Lake, boy.
 Mr. and Mrs. Ralph Heinert Jr., Bogner, boy.
 Mr. and Mrs. Ronald Suekow, 1950 S. 5th St., boy.
 Mr. and Mrs. James R. MacLean, Rt. 2, girl.

DEATHS

Annie L. Conner, 79, 213 Nancy Lou Drive, Livingston & Malletta Funeral Home.
 John Carlasco, 72, Anaconda, Livingston & Malletta Funeral Home.

Easy Scan and Print

Lewistown	80	48	10
Livingston	79	52	01
Miles City	87	60	
Thompson Falls	87	48	
W. Yellowstone	75	41	08
Whitehall	83	49	
Chicago	78	49	
Denver	88	49	
Fairbanks	51	42	
Los Angeles	86	65	
Mpls.-St. Paul	83	46	
New York	72	62	26
Phoenix	99	74	
San Francisco	66	50	
Seattle	67	50	

tered voter numbers are small, patient is moved to a conventional, firm delivery bed.

Local Government

(Continued From Page One)

County consolidation would be eased somewhat — it would require a majority of those voting at the election, not a majority of all qualified electors in the county.

Third, and most significant, local governments could design their own distinct form of government, subject to voter approval of course, by writing a self-government charter. Missoula, for example, could devise a new government specifically for Missoula's needs.

Self-government charters also would bring increased "home rule" power for local government.

The present constitution limits local government power to only what the state allows. For those without self-government charters, the proposed constitution generally would continue that restriction (though counties would be able to pass local ordinances, a power they now lack).

But any local government writing its own charter would be granted the power to do anything not specifically forbidden by the constitution, law or the charter. The self-government "home rule" powers would give local governments much more leeway in dealing with their problems, especially taxation and budgets.

The new constitution also would give voters the new power of local initiative and referendum, allowing them to write and review local ordinances by petition.

Another major change would allow local governments to share in state tax money.

Some critics of the proposed article have voiced dire predictions of runaway local government, but others complain the article does not go far enough and would allow the legislature to impose too many restrictions on local government.

Urban areas would be expected to lead in making changes, but the real key to the effect of the proposed article would be local desires.

If local residents want to try something different, the opportunity is there. If they are content with their present system, they can keep it.

They have the final say, and they'll get what they want.

Tomorrow: Constitutional Amendment

Attendant Hit By Robbers

Armed robbers entered Bachman's Phillips 66 service station, 923 N. Orange St., early Thursday morning, striking an attendant on the head and fleeing with about \$75.

Police reports said the thieves entered the station about 3 a.m., hit Doug Amos over the head, and took off with the loot.

The pair ran down Frontage Road, disappearing behind Missoula General Hospital. The robbers were both described as having long black hair, of shoulder length.

Missoula Man Seeks Damages

BUTTE (AP) — A Missoula man filed a damage suit for more than \$500,000 in Butte District Court Wednesday against a Wisconsin garbage unit manufacturer.

Terry D. McIntosh claims the Heil Co. was negligent in the manufacture of a garbage collection unit, causing McIntosh to permanently lose use of his left hand and arm.

The complaint said McIntosh was injured Aug. 31, 1970 when his hand and arm became trapped in the mobile hopper of a garbage unit sold to the city of Casper, Wyo., by the firm.

The Missoula man said the firm was negligent in testing the unit to discover a safety defect and negligent in not providing a warning.

He asked \$500,000 for injuries, \$10,727 for medical costs already incurred, \$7,000 in expected medical expenses and \$6,480 in lost wages.

Friends and Foes

m Page One)
 constitutional 700 came from Constitutional tributions were delegates, and have sponsored is.

J. Dahood, an ey and chair-of-Rights Com-tributors with

Drum, R-Bil-and convention aybill, Jr. add-

Contributions included: J. C. Missoula, and den, D-Great Citizens-Com-John Toole, R-Rome Loendorf, each; Russell @tendev: \$300; l-Helena, and e, D-Missoula, D-Butte, Earl onrad, and Mar-t-Kalispell, \$200 Hanson, D-Fair- Simon, R-Bil-

Delegates donating \$100 were: Fred Martin, R-Livingston, Rick Champoux, D-Kalispell, Rachell Mansfield, D-Geyser, Virginia Blend, D-Great Falls; Dorothy Eck, D-Bozeman; Bruce Brown, l-Miles City; Thomas Ask, R-Roundup; Oscar Anderson, J-Sidney; and Betty Babcock R-Helena. In addition, delegate Robert Noble's wife gave \$100.

Heading the list of non delegates was federal Judge Russell E. Smith of Missoula who gave \$500. David M. McLean, Dahood's law partner, gave \$250, and a collection in Carter netted \$124.

Three members of the Constitutional Convention Commission — Margery Brown of Missoula, Randall Swanberg of Great Falls and A. C. Hegenston of Glendive — gave \$100 each.

Other \$100 contributions were reported from W. A. Brown Jr., Helena; Pearl J. Felker, Missoula; Lorene Knight, Anaconda; the Goldman, McChesney and Datsopoulos law firm of Missoula; Joseph McDowell of Ovando and Tri-County Bar Association of Anaconda; and Katharine Lott, Missoula.

Y-NOT?

im at the FICE



Prison Term For Shreeve

SPOTLIGHT SPECIALS

PANTY HOSE

1 SIZE FITS ALL

2 PAIR

\$1.19

EDITORIAL PAGE — Editorials, Letters, Opinion

New Library Is Needed

Perhaps the major criticism leveled against building a new Missoula Public Library building is: Why put up a new building to house such a sorry collection of material?

The logical response is to pose the chicken-and-egg question: How CAN the collection be improved if space isn't provided to house it?

And that is the fact. The tight space limitations of the old library, which was built in 1903 and expanded in 1908 — prevent significant improvement of what the library can offer the public. An ample library building must be provided first. Then the materials which would improve the library's offerings will be able to be housed.

On Tuesday Missoula County voters will have a chance to approve an \$850,000 bond issue to build a new library. The library board has been promised an additional \$150,000 in federal funds provided the bond issue is approved. The board believes the site of the present library could be sold for an additional \$50,000.

All that would raise about \$1,050,000. The money would be spent to build, according to tentative plans, a three-story building with 12,000 square feet on each floor. The money would complete and furnish the first two floors. The third floor would be completed

and furnished when finances in the future permit.

The library board is eying the old Community Hospital building site as a place to put the new library. But it is quite possible another site will be used. The YWCA also wants Community Hospital. The Community Hospital site might be too expensive to buy, and some citizens think the library might best be built as a part of a community center complex. Certainly at this time that latter possibility should be kept in mind.

A decent public library is a thing of enormous usefulness to a community. Experience elsewhere shows that when a public library expands its offerings and services even a little, the public response is proportionally far larger.

Missoula's old library, with its 7,000 square feet, was built for a community of 15,000 people. It plainly is inadequate. It should be replaced.

The new library, if the bond issue is approved Tuesday, would be large enough to meet Missoula County's requirements for many years and also would serve as a central library facility for much of western Montana.

It will be an excellent community service Tuesday if the voters vote "YES" for the library bond issue.

Local Comment

Court Harmed All Lawyers

(Ellis Waldron is a professor of political science at the University of Montana and was a member of the Montana Constitutional Convention Commission. — The Editor)

By ELLIS WALDRON

When constitutional convention president Leo Graybill criticized the Montana Supreme Court for opposition to the proposed new constitution, he spoke only part of a larger truth.

For at least 12 years the justices of our highest state court in every case involving con-

for what he said, as a public officer, about them as public officers.

HE GOT THE MESSAGE

Graybill got the message. So did every lawyer in the state. Amidst the clamor of convention delegates the tight-mouthed silence of 23 lawyer-delegates was thunderous. The supreme court suddenly accepted Graybill's response, almost two weeks before the constitutional election rather than two days after, as originally decreed. Now, presumably, the rest of us can

tramural understanding will not sat public concern which is the center whether lawyers in public office serve court or the people.

To reiterate: If the court conceives has a special power over a public because he is a lawyer, it limits his free action as a public officer. This supreme court has demonstrated that make a lawyer in public office a less-than officer. The Supreme Court of Mont

situational revision processes have chosen, among available alternatives, those that restrict the constitutional rights of Montanans to alter and abolish their constitution and form of government whenever they may deem it necessary.

That basic statement of the peoples' power is in our present constitution, section 2 of Article III. We are engaged in the process as further defined by section 8 of Article XIX — and as restricted by at least four modern supreme court decisions.

Convention president Graybill said a few words to some students about the court's role in the process. His remarks were reported more or less accurately, if not completely, in newspapers. The supreme court justices, not satisfied with the restrictive impact of their case decisions, flashed the great, but ill-defined contempt power to chastise Graybill for his criticism. They acted through a special but incidental and irrelevant power over him as a lawyer in private life.

How do we, citizens of Montana, protect ourselves against reactionary judicial depreciation of our guaranteed constitution powers? A statement on that matter follows my expression of views on the contempt episode.

MORE BLOOD THAN GARYBILL'S

The contempt issue raises a more startling question. How do we discipline our highest judges when they intrude where they have no business to be, proceeding on a grossly mistaken principle of action, exercising one of their most fearsome powers, to discredit themselves as public officers of presumably judicious discretion, and in the process casting a long shadow over the responsibility of any lawyer who happens to seek or hold public office in Montana?

There was more blood of bench and bar than Graybill blood on the court's sharp sword of contempt when the judges hastily retreated behind their high bench. Perhaps we were not supposed to notice what had happened as the actors fled the stage and the curtain dropped a fortnight ahead of the court's own schedule for the event.

Convention Pres. Graybill is a brave man, and he is not a stupid man. When he felt the sharp thrust of the court's contempt power at his private flank he offered a qualified apology. He denied disrespect of the court but he did not recant the substance of his views. The court hastily accepted the statement, hoping to close the matter.

Here is the significant public issue in the Graybill contempt episode. Convention Pres. Graybill faced a conflict of duties between:

1. His evident, deeply felt concern to express a view common among the delegates about the court's relations to the convention and its work; and

2. His less public lawyer role. As an "officer of the court" in his private practice of law, he is subject to discipline by the supreme court. His private livelihood is at the mercy of the court's broad and ill-defined discretion.

Graybill honored his public obligation to the people at proven jeopardy to his private lawyer role. The supreme court, within hours of reading a newspaper account of Graybill's remarks, ordered him before them for possible contempt. In the hearing announced for June 8 they could have found him in contempt; they could have imposed sanctions up to disbarment — a kind of professional excommunication or banishment from his livelihood.

Probably the court would not have gone that far. The essential point is that they brandished their power over Graybill's private livelihood.

Easy Scan and Print

have ourselves a nice quiet nice constitutional election "unsullied by any hint of judicial interference."

Matters are just not that simple. Had the court really desired NOT to interfere with the election, the justices could have postponed the contempt issue until after the election. The court's timing of its contempt action supports the very notion for which Graybill was summoned — that the judges were indeed willing to influence the fate of the new constitution.

THE COURT THOUGHT GRAYBILL'S PRIVATE LAWYER OBLIGATION TO THEM AS JUDGES WAS MORE IMPORTANT THAN ANY CONSIDERATION THEY AS JUDGES MIGHT OWE TO HIS PUBLIC OBLIGATION AS PRESIDENT OF A CONSTITUTIONAL CONVENTION. Despite his high elected public office the court saw him first and foremost as a lawyer subject to their discipline.

A NARROW, TRIVIALIZING VIEW

This judgment by the court about his respective responsibilities to them and to the people reveals the court's narrow and trivializing view of the constitutional revision process. The haste of the summons, and the court's willingness to employ an incidental power over Graybill's private livelihood to chastise him for his public criticism of them, both demean the judicial office in particular and the conception of public office generally.

The court's assessment of Graybill's priorities, placing his lawyer role before his public convention role, compromises any lawyer's full title to public office in Montana. The court claims a threatening prior mortgage on the loyalties and the obedience of any lawyer holding a public office. This, asserted without necessity or reasonable warrant, demeans Montana lawyers and the Montana bar.

The court's summons to Graybill was a contempt by themselves of the bar and of their own high office. It was a self-inflicted wound far more damaging than anything Graybill or anybody else, lawyer or non-lawyer, could possibly have inflicted.

To expunge this contempt of their own high office the incumbent justices should do two things:

1. They should publicly apologize to the people for a precipitate and ill-conceived exercise of their contempt power against the elected president of an elected constitutional convention. This convention is the nearest thing to a sovereign body of the people that will convene in our state in this century. Convention delegates given time to work, should have instructed Graybill to respond to the court, with all respect, that he simply was not accountable to the court for his activities in his office as convention president.

2. More important for the future, the justices should disavow use of their awesome contempt power against lawyers in public office for what they may say or do AS A FUNCTION OF THAT PUBLIC OFFICE. Malfeasance of a public office is a matter between the people and their officers, to be resolved by legal and political processes established for such discipline. The court should stay out of the matter where the basis for its intervention is that the officer happens to be a lawyer. The people, under the laws, and through their constituted agents, can invite the judges to act in proper cases, whether the officer charged be a lawyer or not.

ALL LAWYERS HURT

Members of the bar, sensing some need to clarify their situation, may seek some accommodation with the justices, proceeding discreetly "in chambers" and in the collective security of their numbers. Such a quiet in-

given the voters of the state a star to withhold their vote from lawyers seek public office.

What do we the people do if our dumb of speech but stern of visage High Bench, refusing apology or clarifying their judicial indiscretion, nurturing, inflicted judicial wounds and homin tempt sword for the next lawyer to criticize them as a function of public

The only formal process by which to reach them in office is impeachment — cumbersome, rarely-used, and impracticable device. The burden of constitutional offense, malfeasance would be heavy indeed before the as impeachment court, when a number of senators have declared, for the proposed new constitution.

This all demonstrates, of course public policy based on sound conditions would place delegates, in a convention above the discipline agencies of government precisely I might wish to abolish or alter the function of those agencies, criticizing arrangements in the process.

But the people have an ultimate voting booth. By their self-inflicted bar and bench in the Graybill contempt members of our supreme court furnished a lively issue for us: judicial elections. As they come up again in the next several years, it should be asked to explain their powers in relation to the people's rights their basic laws. If the answers, on unsatisfactory to the people, they be retired in turn as they come to the voters.

A MATTER OF VULNERABILITY

What is their vulnerability to under the present constitution, at proposed new constitution?

Under the present constitution who seeks re-election next November his name on the ballot, along with for "write-in" votes. Only by mobilization that would give a plus to a single agreed write-in opponent beaten and retired from office. If voters would have to act in accord around some single opponent they upon, by processes entirely outside apparatus of party or caucus. The 1972 candidate probably is not concerned.

Under the proposed constitution seeking election might appear or unopposed, but there would be a "NO" option to be marked individual voter on the issue of his. The sum of individual votes of disquieting no mobilization around a opponent, could retire the justice.

How can it be contempt of the gesture that incumbent justices have reasons for opposing the (new) court? That is what the newspapers reported to have said. If our incumbent failed to notice the great, at themselves of election under the situation, they are less discerning than one has any reason to

There are some fairly conventional about what a judge, sensitive reputation, may do about personal re-election. When our justices brand tempt power against a suggestion they been less than discreet, they raise no about the quality of their discretion.

LETTERS

eded

when finances in the future

board is eying the old Com- building site as a place to rary. But it is quite possible ll be used. The YWCA also ty Hospital. The Community ght be too expensive to buy, ns think the library might a part of a community center nly at this time that latter d be kept in mind.

ublic library is a thing of- lness to "a community. Ex- ere shows that when a public its offerings and services he public response is pro- arger.

old library, with its 7,000 is built for a community of It plainly is inadequate. It ced.

rary, if the bond issue is ap- , would be large enough to

County's requirements for also would serve as a central or much of western Montana.

excellent community service voters vote "YES" for the ue.

Lawyers

ramural understanding will not satisfy the public concern which is the central issue, whether lawyers in public office serve first the court, or the people.

To reiterate: If the court conceives that it has a special power over a public officer because he is a lawyer, it limits his freedom of action as a public officer. This particular supreme court has demonstrated that it would make a lawyer in public office a less-than-public officer. The Supreme Court of Montana has given the voters of the state a startling reason to withhold their vote from lawyers who might seek public office.

What do we the people do if our justices sit dumb of speech but stare of silence behind their

Indictment

I am more than a little disturbed by the slant of the reporting and editorializing that appeared in The Missoulian recently regarding the Legislative Auditor's report of the audit of the State Welfare Department Medicaid payments.

Blanket indictments of the type contained in your editorial of May 21, serve no useful purpose. There are, in any segment of society, those who, through ERROR or DESIGN, abuse or foster the abuse of a system. Such people, however, represent a minuscule portion of the total involved.

To label, or to give the impression of labeling, all dentists, physical therapists, pharmacists, or physicians as "white-collar pigs at the trough" is as grossly inaccurate and unfair as are those who label all welfare recipients as "freeloaders" or "chiselers."

Dr. M. D. Laine, D.D.S., has advised me that the Missoula County Dental Society has requested a total audit of all cases and participating dentists in the county, and additionally, has expressed total willingness to cooperate fully with County Attorney Robert L. "Dusty" Deschamps in the matter.

Let us hope that the "guilt by association" that naturally arises from such blanket indictments has not done irreparable damage to the vast majority of completely innocent dentists, physical therapists, pharmacists, and physicians who provide services to the community. Additionally, let us hope that in the future the facts will be placed in their proper perspective in order to prevent injury to innocent parties. — H. W. Stoutenburg, County Commissioner, West Greenough Drive, Missoula.

No Revolt

After carefully reading my official copy of the proposed 1972 constitution, I would like to compliment the con-con delegates on their grammar.

I strongly urge the voters to read, (not the newspaper's) the official copy of the proposed 1972 constitution very carefully, taking special note of Article II, sections 2 and 15, and Article XI, sections 2, 3, and 5.

In The Missoulian May 24, Dennis Curran's statement,

A Guess

A valid guess is that the voters will approve the new constitution. In their marvelously funny, unconscious way, the special interests of this state have a great knack for alerting the public at large to defend itself. Probably they have served better than con-con's proposed educational effort could have to get people without a special interest to learn about the constitution and vote for it.

Which is wonderful. Moreover, one can speculate that the special-interest voters themselves, once in the privacy of the polling place, will decide to vote "yes." It will be painful and difficult for anyone to vote for his own uncertain dollar profit if that means turning down a document of such obvious, widespread, public benefits. The people of the original 13 states put the national good ahead of the pocket when they ratified the Constitution of the United States, and the surprisingly progressive and public-minded people of Montana will undoubtedly do the same for the state. — William H. Forbis, 118 Takima Drive, Missoula.

Reasons

In your issue of May 5, you announce the Farmers Union support for the proposed constitution and seem to wonder at reasons some other farmers may not. A few reasons for a real critical look might be:

1. Support by Montana Farmers Union.
2. Support by AFL-CIO.
3. Support by Missoulian editor.
4. An appearance of making it easier for the politicians to start dipping into the second half of the value of their productive efforts that the people have so far been privileged to keep for themselves.

My heart bleeds for poor Democrats who started the war and didn't know what to do with it, who now are in such a tizzy because Nixon doesn't stop the war. It would seem as if he had made fair progress in bringing home about 90 per cent of the forces involved. — Wesley Lea, Corvallis.

Where It Belongs

The Preamble to the proposed constitution begins, "We the

house." We the people elect our legislature. They must answer to us.

Should the proposed constitution be adopted and a voter feels it needs changing, it may be done through two methods: Two-thirds of the legislature may submit it to the voters, or 10 per cent of the electorate may present it to the voters. Should you, a voter, feel it necessary to enact a law, except local or special laws (provided for elsewhere in the proposed constitution), and appropriation of money, this may be done by 5 per cent of the voters of the state presenting an initiative to the voters. Should a voter wish to approve or disapprove a legislative act, except appropriation of money, 5 per cent of the voters may refer it to the people through a referendum present to the voters.

A vote for the proposed constitution will give POWER TO THE PEOPLE. In a democracy, that is just where it should be! — Catherine B. Everingham, 5620 Rattlesnake Road, Missoula.

Vote It Down

The proposed constitution should be submitted to the people, if not by separate sections, at least with much greater separation than is being offered. As it is, people are forced to accept the bad with the good, or else vote against the entire package, and the press and the proponents have not fairly and impartially presented or mentioned the defects and deficiencies of the new proposal.

I cannot imagine prosecutors, police officers and law and order advocates favoring a change from the misdemeanor verdict requirement which is now a two-third vote of the jury, to the proposed new constitution which would require a unanimous verdict even in the misdemeanor cases. This would increase cost of law enforcement, increase the number of trials and result in fewer convictions.

I cannot imagine persons who buy on conditional sales contracts, or who borrow money, accepting the new constitution where 18-35 per cent or any other interest rate passed by the legislature could be legal when it has been held that such rates are unconstitutional under our present constitution.

We should be very careful before utterly abandoning the doctrine of governmental immunity from suit as there will

What do we the people do if our justices sit dumb of speech but stern of visage behind their High Bench, refusing apology or clarification of their judicial indiscretion, nurturing their self-inflicted judicial wounds and honing their contempt sword for the next lawyer who dares to criticize them as a function of public office?

The only formal process by which we could reach them in office is impeachment. This is a cumbersome, rarely used and probably impracticable device. The burden of proving the constitutional offense, "malfeasance in office," would be heavy indeed before the State Senate as impeachment court, when a substantial number of senators have declared their distaste for the proposed new constitution.

This all demonstrates, of course, that sound public policy based on sound constitutional notions would place delegates in a constitutional convention above the discipline of ordinary agencies of government precisely because they might wish to abolish or alter the form or function of those agencies, criticizing present arrangements in the process.

But the people have an ultimate power at the voting booth. By their self-inflicted damage to bar and bench in the Graybill contempt episode, the members of our supreme court have furnished a lively issue for usually issueless judicial elections. As they come up for re-election in the next several years, these justices should be asked to explain their custody of their powers in relation to the people's right to amend their basic laws. If the answers, on balance, are unsatisfactory to the people, the justices should be retired in turn as they come to bat before the voters.

A MATTER OF VULNERABILITY

What is their vulnerability to this process under the present constitution, and under the proposed new constitution?

Under the present constitution the justice who seeks re-election next November will have his name on the ballot, along with a blank space for "write-in" votes. Only by a statewide mobilization that would give a plurality of votes to a single agreed write-in opponent can he be beaten and retired from office. Thousands of voters would have to act in accord, rallying around some single opponent they had agreed upon, by processes entirely outside the ordinary apparatus of party or caucus. The November, 1972, candidate probably is not unduly concerned.

Under the proposed constitution the justice seeking election might appear on the ballot unopposed, but there would be a "YES" option and a "NO" option to be marked by each individual voter on the issue of his re-election. The sum of individual votes of discontent, requiring no mobilization around a single opponent, could retire the justice.

How can it be contempt of the court to suggest that incumbent justices have personal reasons for opposing the (new) constitution? That is what the newspapers reported Graybill to have said. If our incumbent justices have failed to notice the great advantage to themselves of election under the present constitution, they are less discerning or more faintly than one has any reason to hope.

There are some fairly conventional notions about what a judge, sensitive to judicial reputation, may do about personal interests in re-election. When our justices brandish the contempt power against a suggestion that they have been less than discreet, they raise new questions about the quality of their discretion.

Easy Scan and Print

...the rigour to the proposed constitution begins. "We the people of Montana... Our elected delegates, representing us, have proposed a constitution FOR THE PEOPLE, signed by each, one of them. A quick glance through it, or a careful study, will reveal phrases such as "the legislature shall provide," "as provided by law," "subject to confirmation by the senate," "two-thirds vote of the

Dennis Curran's statement. "There would be practical limits of course. Government can tax only so much before the taxpayers revolt." is an indication of one of the weaknesses of the 1972 proposal. Under the old "horse and buggy" constitution, we have not yet had to resort to revolt to protect our rights. — Beatrice Fournier, Lolo.

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doctrine of governmental immunity from suit as there will be many unfounded and excessive lawsuits against cities, counties, school districts and state, which might be quite expensive for the taxpayers.

There are numerous safeguards in the old, our present, constitution, which have been omitted, without any explanation or reason, from the proposed one, very quietly and without press coverage or comment and without mention by the convention delegates in their propaganda. Notwithstanding all the so-called jokes—NORTH DAKOTA was smart enough to vote its proposed new constitution down. — John D. French, Ronan.

The Missoulian

Founded May 1, 1873



JOHN TALBOT, Publisher
EDWARD A. COYLE, Editor
SAM REYNOLDS, Editorial Page Editor

Letters should be on a subject of general interest. Letters longer than 300 words will be returned to the writer for condensation or get cut by the editor. Letters must be signed and give the writer's address.

Local Comment

It Would Help

Controversy centering around the new constitution has rapidly grown during recent weeks. Such articles as, Natural Resources and the Bill of Rights have drawn particularly heavy fire from various factions. Most of the criticism is unfounded.

The Montana League of Conservation Voters, supports the new constitution because in almost every aspect it improves upon the old. It was written in a different atmosphere by delegates who had not "sold out" to special interests. That is not to say that special interests didn't try then and aren't trying now to influence the people of Montana to defeat a constitution that was written by and for them.

We believe the people of Montana want more responsive government, government not partial to special interests. We believe that Montanans understand the need for constitutional protection of their environmental rights. Almost 10 years ago, two months before his death, John Kennedy said, "Our primary task now is to increase our understanding of our environment, to a point where we can enjoy it without defacing it, use its bounty without detracting permanently from its value, and above all, maintain a living balance between man's actions and

nature's reactions, for this nation's great resource is as elastic and productive as our ingenuity can make it."

Our new constitution speaks at least in part to this primary task when it says in the Bill of Rights, Article II, Section 3, "All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment." Other state constitutions, including Illinois, give citizens enforcement powers. While Montana's does not specifically, it is our hope that enforcement power is implicit in the Bill of Rights.

The new constitution further says in Article IX, Section 1 of Natural Resources, "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. 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. If the legislature does not provide adequate remedies, Article III, Section 4, on the initiative says, "The people may enact laws by initiative on all matters except appropriations of money and

local and special laws."

The new constitution provides direction for present and future generations, and guidance to our legislatures. It offers protection for urban and rural environments. The farmers and ranchers of eastern Montana are having their land taken over by the coal companies through the same power of eminent domain that the Highway Department has been using for years. The development of coal has raised or soon will raise serious challenges to the social stability of the state. It presents an unquestioned threat to its environmental quality.

As Montana grows we will understand better what we value, what we are losing and what we want to protect. The new constitution will help us through this time. It must be passed on June 6th. — Mavis McKelvey, Bill Tomlinson, Montana League of Conservation Voters, Missoula.

The Montana League of Conservation Voters mourns the death of Constitutional Convention Delegate Carmen Skari. His was a soaring spirit. His vision of this earth and his purpose on it was never in question. In burying this quiet, thoughtful man, we bury in part what D. H. Lawrence called "the delicate music of life."

Easy Scan and Print

issue. However, I feel it is our duty to insure that Montana Evergreen 30.8, Culbertson 11.5.

"I'M SURE THIS IS THE RIGHT ROAD — I REMEMBER THE 'HUMPHREY FOR PRESIDENT' SIGN THERE FOUR YEARS AGO."

Document, Backers Draw Knudsen Fire

Missoulian State Bureau

HELENA — State Rep. D. L. "Ike" Knudsen says he is opposed to the proposed constitution and to the methods being used by promoters of the new document.

"My problem is that I want

details and specifics," the Glasgow Democrat says in a news release. "But all I receive is the 'hard sell' in daily newspapers and gutless approval from organizations afraid to speak up in opposition."

Knudsen singled out for particular criticism the taxation sections and the deletion of sovereign immunity.

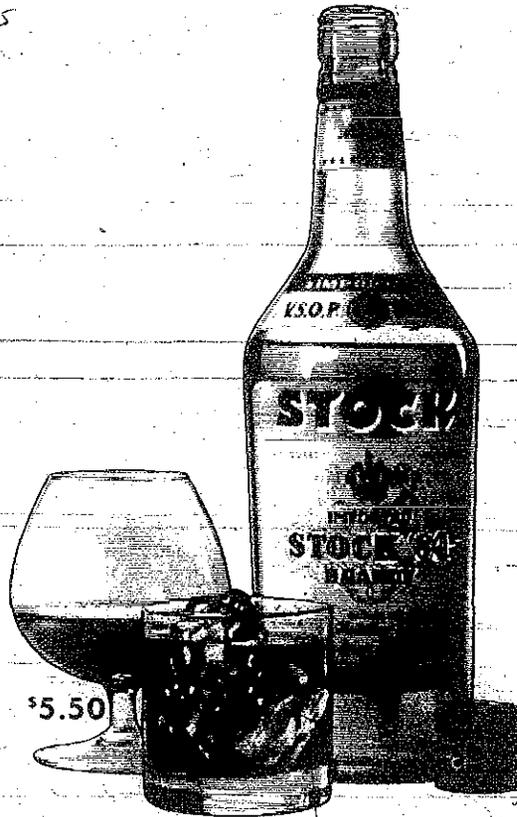
Elimination of sovereign immunity means anybody could sue any governmental body. Knudsen said. "This will leave the state in almost constant litigation," he says. "Who is going to pay for the liability insurance so we can sue ourselves?"

Elimination of county boards of equalization "sets the state back 50 years" and makes it necessary to hire "an unlimited army of assessors and appraisers," he says.

The two-term legislator, who is not running for re-election, also criticized the elimination of the two-mill limit on statewide property taxes, the liberalization of the section requiring that gasoline tax money be used only for highway construction and maintenance and removal of a section setting a state debt limit.

The new document would permit the legislature to exempt any class of property from taxation. "So you hustle out and find somebody who knows somebody, before your neighbor finds him, and then you can sit back and smile while your neighbor pays your taxes," he said.

"A number of delegates, politicians and businessmen would like to speak out, but the few that have or would, have been badgered, belittled and bad-mouthed," he said.



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also:
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Accessories
Parts

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ATTENTION DEMOCRATS!

YOUR VOTES FOR PRECINCT COMMITTEEMEN AND COMMITTEEWOMEN ARE YOUR VOTES FOR A PRESIDENTIAL CANDIDATE. BELOW ARE THE CAN-

William J. Kuhfuss singled out wage "excesses" and claimed "one of the greatest threats to our export markets is the increasingly monopoly power of labor."

Kuhfuss also placed the blame for increasing food prices on Congress and the federal government's executive branch.

Speaking at the bureau's mid-year conference, Kuhfuss said the United States last year had a foreign trade deficit for the first time since 1888, and that the first quarter of 1972 showed a trade deficit of \$2.2 billion, exceeding the 1971 deficit of \$2 billion.

"This simply says we are not in a competitive position with our products," Kuhfuss said. "Overall wages and imposed

Easy Scan and Print which are being reflected in everything from capital investments to hourly wages... wage demands must be related to productivity."

Kuhfuss claimed that in the first quarter of 1972, compensation per man-hour in the private economy increased at an annual rate of 8.6 per cent while productivity rose 2.1 per cent.

"When wages and salaries of American workers increased four times as fast as their productivity, the U. S. loses its competitive 'advantage' in the world market," he said.

By comparison, Kuhfuss said, output per man-hour in agriculture is 3.3 times higher than 20 years ago, while output per man-hour in U. S. manufacturing increased only 1.7 times during the same period.

The federal government — not agriculture — was blamed by Kuhfuss for high food prices and inflation.

"In all the furor about food prices," he said, "the real culprit — government-fed inflation — has been generally overlooked."

"However, in recent testimony before the Federal Price Board, the Farm Bureau clearly pointed out that food prices are not the cause of inflation."

He said officials of his group testified that pressures of inflation "are primarily the result of excessive deficit spending on the part of the federal government and expansion of the money supply by the Federal Reserve Board. Farm Bureau further testified that it was shocked... at the apparent lack of responsibility on the part of both the executive branch of government and the Congress with respect to deficit financing."

He said the Farm Bureau

the issue of what causes inflation."

Kuhfuss said that at the end of 1971, "Farm Bureau achieved its 2 million-member family goal, with the largest annual membership increase since 1947. With an average size of 3.5 (persons) per family, we are now serving more than seven million people."

He said Iowa is the fifth largest "state Farm Bureau in the nation" and has increased membership for four consecutive years at an average rate of more than 4,000 families per year.

Settlement Ends Trial

HELENA (AP) — An out-of-court settlement put an abrupt end Wednesday to the trial of a suit seeking \$375,000 in damages from the city of Helena and the Montana Power Co.

The litigation concerned the accidental death of Danny E. McCausland, who was killed when 2,400 volts of electricity were accidentally sent over a telegraph line that normally carried a load of between six and 48 volts.

McCausland was removing those lines from Burlington Northern poles near Silver City May 5, 1971 when an accident 17 miles away in Helena sent the deadly current over the wires.

In Helena, an exhaust stack on a tractor being moved on a trailer by a city employe had pulled the "hot" Montana Power Co. transmission lines across BN's communication wires.

The suit had been brought by Mrs. Tonya McCausland, administratrix of her husband's estate.

by Baker left prison here at 7:30 a.m. Thursday with his wife and a new car, cheerful and natty after 16 months a federal prisoner.

Only cows — part of the Allenwood prison farm herd of Herefords — and a few newsmen witnessed the departure of the former secretary to the Senate majority. No one else saw him jump briskly from his car to repeat his claim of innocence.

Baker has served 16 months and 17 days for attempted tax evasion, grand larceny, transportation of stolen money, fraud and conspiracy. Without parole, he would have remained in prison until next May 6.

Baker was convicted in Washington before U.S. District Judge Oliver Oasch on Jan. 29, 1967. He remained free on \$5,000 bond for four years, however, before exhausting appeals.

No Eavesdropping

In 1968, the U.S. Court of Appeals ordered Oasch to reopen the case to determine whether "tainted" electronic eavesdropping evidence had been used to convict Baker. Oasch held it had not.

The Supreme Court rejected Baker's final bid for a review on Dec. 21, 1970. In this appeal, Baker also claimed unsuccessfully that a "stacked" jury of government employes was used to convict him.

He entered prison three and one-half weeks later.

Disclaiming the charges, he said Thursday, "Jan. 14, 1971, I entered Lewisburg (prison) and I told you then I was innocent and that I would do my duty and do it with honor. I think I have done so."

Baker's hands trembled slightly as he spoke at the door of the car but his eyes flashed with cheer. He looked thin and fit younger in fact than he seemed in pictures before his trials began.

But he turned a deaf ear to questions about his future and about his plans for the Baker business interests, which are centered around land holdings in Ocean City, Md.

His lawyer (and brother-in-law), Washington attorney Robert Comstock, said recently Baker would return to his ventures. He will also finish a work



Bobby B

he refers to now and said flatly he interviews until — which he estimates year from now.

Baker spent months of impr administrative groundskeeper a model prisoner.

"He got along with the staff easily."

"Allenwood, a spectacular wood the west fork of na-River 60-mile risburg, is no (nor are its inmates as "residents."

Couple Couple Damage

BUTTE (AP) couple filed a \$46,333 Wedne District Court a two-car crash last October.

Douglas D. Davis charged Lamprecht, do Renco of Salt driving in a ne when his car's path of the D Oct. 28, 1971.

The complain and mental i couple as well and costs of me

HERE'S ONE REASON WHY ED BUZZETTI SUPPORTS THE PROPOSED CONSTITUTION

The proposed 1972

Constitution guarantees local control of schools — even if financing is from the state.

The 1889 Constitution does not.

Paid Political Adv. by Citizens Committee for Constitutional Improvement, Donna Mullic, Sec., Helena

VOTE FOR WALLACE N. CLARK Democrat for STATE LEGISLATURE

Pol. Adv. paid for by Clark for Legislature Club, Robert L. Deschamps Jr., Secy.

EMERGENCY

IS V

More Delegates Declare Opposition to Document

HELENA (AP) — Three more constitutional convention delegates say they will vote against the proposed constitution they helped write.

The latest to announce their opposition are Douglas Delaney, D-Grass Range; Lloyd Barnard, D-Saco; and Robert Hanson, I-Ronan.

The three bring to seven the total delegates who have announced they were opposing the document.

Barnard said that based on indications he received from a meeting of delegates in Billings recently, he thinks "there will be 30 that will vote no if they want to commit themselves."

Delaney said he was primarily concerned with the revenue,

education and Bill of Rights articles. "I'm really concerned about the right to participation," he said. "It looks to me like it guarantees a person's right to attend any school board, county commission, any other governmental board; take part in the meeting right up to the vote."

He also said he was unhappy with the less restrictive gasoline tax provision, saying the roads in eastern Montana will never be up to par and the possibility of siphoning gas taxes off for non-highway purposes only makes the future bleaker.

Barnard said he is opposed to "pretty near the whole thing." Specifically, he said "revenue and taxation provides no pro-

tection for the property taxpayer at all. The Bill of Rights is detrimental to law enforcement and the court system. Too much authority for the board of regents and board of education. We don't need two boards anyway."

Hanson's main objection was the cost factor. "I think our cost of state government is getting out of hand," he said, adding that he thinks "this is going to make it more so."

Art Kamholtz, R-Forsyth, on the other hand, said that while he isn't too enthused over the proposed constitution, "I don't feel it's my place as one delegate to go out and tear down the work of 99 others regardless of how I feel about it."

ABM Impact Unknown

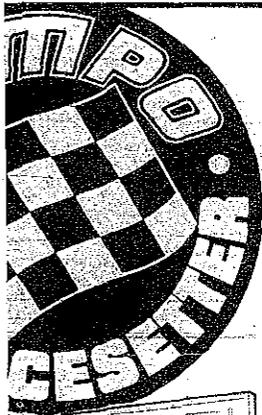
Jobless Insurance Decline During

HELENA (AP) — Unemployment insurance checks totaling \$8.2 million have been issued so far this year to jobless workers in Montana, the state's chief job officer reported Thursday.

Employment Security Administrator Fred Barrett also reported that although claims dropped last week, "the economic shock waves generated by the closure of the ABM project overshadowed the positive trends." "It is too early to measure the impact of this action on the future direction of unemployment insurance claims," he said. "Any estimate at this time would be

mere conjecture. It however, that claim ABM workers at Falls Employment Office this week has been n Barrett said last w out to eligible claim \$225,487, including \$ those under regular federal programs.

The total included under temporary which were not in a year ago. Barrett said ments under regular were up \$23,668 from parable 1971 week. During the past number of claimant

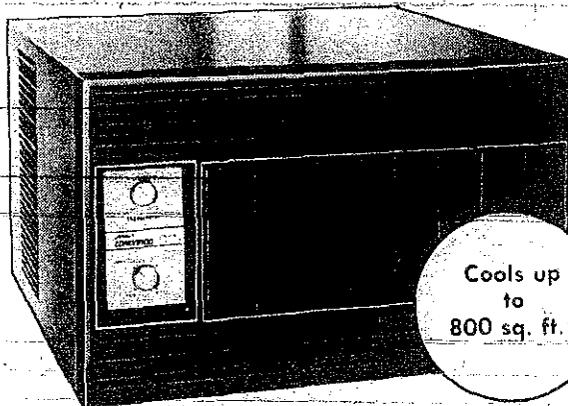


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*Dependent on placement, circulation, heat build-up of home



Mini-Model Air Co

As Declare Document

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far this year to jobless workers
in Montana, the state's chief
job officer reported Thursday.

Employment Security Admin-
istrator Fred Barrett also re-
ported that although claims
dropped last week, "the eco-
nomic shock waves generated
by the closure of the ABM pro-
ject overshadowed the positive
trends." "It is too early to
measure the impact of this ac-
tion on the future direction of
unemployment insurance
claims," he said. "Any esti-
mate at this time would be

mere conjecture. It is known,
however, that claim filing by
ABM workers at the Great
Falls Employment Office so far
this week has been minimal.

Barrett said last week's pay-
out to eligible claimants was
\$225,487, including \$177,028 for
those under regular state and
federal programs.

The total included payments
under temporary programs
which were not in existence a
year ago. Barrett said the pay-
ments under regular programs
were up \$23,668 from the com-
parable 1971 week.

During the past week the
number of claimants dropped

by 441 to the total of 6,569, up
21 per cent from a year ago.
Women accounted for 39 per
cent of last week's total.

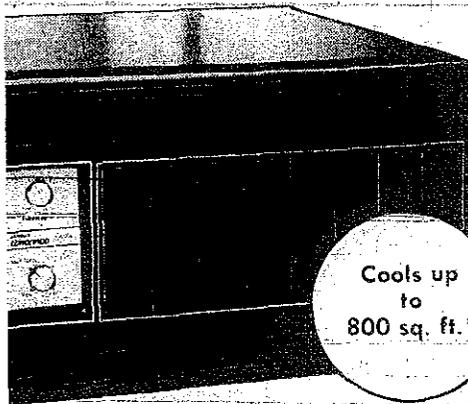
Construction continued at
good pace in all major areas
other than the ABM program.
Last week with Missoula at the
head of the line in commercial
building volume. Barrett's
weekly report went on. "Bill-
ings had \$785,000 in new build-
ing starts while 50 workers
were employed on urban re-
newal demolition work in Hel-
ena.

"The Libby Dam project
dropped 75 workers, leaving 1,
267 still employed there."

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*Dependent on placement, circulation, heat build-up of home

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Air Conditioner

Reg. \$229.95

\$199

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44-309

Mini-Model Air Conditioner

Missoulian

Founded May 1, 1873 Missoula, Montana, Saturday, June 3, 1972 SINGLE COPY 10c Carrier Delivery Price is lower

Hija For

By PAT ARN Associated Press
SAN FRANCISCO
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Area Streams Running High

Harper's Bridge west of Missoula was sagging under the strain of the rampaging Clark Fork River Friday, but far from gone.

County Surveyor Elmer Frame reported a piling had been ripped from a bridge section, but most of the structural beams are holding.

The river has sprawled out about a mile from Harper's Bridge, blanketing the area with about eight inches of water.

Some people are still driving on the road to the bridge, Frame said. The road is washing badly, which makes driving extremely dangerous. I think we'll probably have to close the road.

On other fronts, the Army

Corps of Engineers ripped the Lolo sewage plant, putting it out of immediate danger, then shifted work to the Missoula sewage plant which was being threatened.

Frame said the Bitterroot River had sent six inches of water over the road between Maclay Bridge and O'Brien Creek.

The area is being sandbagged, he said. There are quite a few houses across the road. The water could cause quite a bit of damage.

Several families living in trailer houses a mile and a half above Buckhouse Bridge have reportedly had to move to higher ground in the face of rising waters.

The Bitterroot also was spill-

ing over in portions of a housing development east of Lolo, but Frame said the people "have pretty well taken care of the situation."

Mill Creek, 10 miles up Lolo Creek from Lolo, threatened residences but has been checked.

"I think we're out of trouble up there," Frame said. "We did quite a bit of riprapping and the creek is starting to drop."

Flood crews have been dumping rock around the Van Buren Bridge to keep it from sliding into the irrigation canal.

Rattlesnake Creek is washing some of the riprap which was dumped along banks last year, Frame said. A house south of Lolo Street reported water

(Turn to Page 3, Col. 4)

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By J. D. HOJ AP Capitol W

HELENA (AP) —
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Constitutional Government, Birch Groups Deny Linkup

HELENA — The Citizens for Constitutional Government is not being sponsored by the John Birch Society, though society members may belong to it, leaders of both groups said Friday.

Roy Crosby, a lobbyist for the conservative Citizens for Constitutional Government, said that some of his backers are Birchers but that they are acting as individuals. He also said he would not release the names of contributors to his group, which he indicated has spent more than \$20,000 against the constitution.

Meanwhile, a former state coordinator for the Birch soci-

ety would be master of ceremonies for a Crosby meeting and comments from convention delegates.

Through a typographical error, the State Bureau story also called Crosby's group the Citizens for Constitutional Improvement. The Citizens for Constitutional Improvement is a proconstitution group composed mainly of convention delegates.

Overcash, who said he is now Billings section leader of the Birch society, told the State Bureau that the society does not sponsor candidates or groups in partisan issues.

"I wish to emphatically and categorically deny that the John

Crusby criticized

Crusby told the State Bureau that the leadership of his group does not belong to the Birch society and that the group is not being sponsored by the Birch society.

But some of our members around the state are members of the John Birch Society," he said, pointing to a Flathead member and a pilot of one of his two planes as examples.

Quite a few members of the John Birch Society have become involved in what we're doing.

Constitutional Convention delegates for trying to link his an
ticonstitution group to the Birch society.

"They're using it as a smear," he stated.

Crosby said he would not release the names of contributors before the election because he had pledged that supporters would not be identified.

"This we don't like to do," he said, explaining that he fears constitution supporters would call his supporters "kooks."

"They've called me a kook, said I was insane — anything to smear us," he said.

700 homes this week. Okanogan County Sheriff Fred Horner said Friday after a new round of evacuations necessitated by crumbling levees and flooding water.

About 40 families were pulled out of the town of Okanogan on a 40-foot dike section the way Thursday night, and as many were evacuated in other areas during the afternoon as sewage-laden river water backed into lowland areas.

A sewage plant at Okanogan has overrun by the flood, and sewage was pouring right into the river, Horner said. Health officials warned residents to "use discretion" in obtaining water supplies, but major problems would likely be

11,000 waters reached as high as six feet in Okanogan's downtown area after the major levee failure, he said.

The towns of Okanogan and Omak are taking the brunt of this now," Horner said.

Actual property damage still is immeasurable, "but it's going to be a lot more than anybody will believe," Horner said.

A National Guard spokesman said damage would be "in the millions," although no realistic estimate could be made for at least another 10 days.

Officials have estimated as many as 500 workers—volunteers, National Guardsmen and local contractors hired by the Corps of Engineers—were fighting to reinforce dikes with

(Turn to Page 2, Col. 5)

Easy Scan and Print

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Constitutional Government Birch Groups Deny Li

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Meanwhile, a former state coordinator for the Birch society, V. O. Overcash of Billings, emphatically denied allegations that the ultraconservative Birch society is sponsoring Crosby.

A Missoulian State Bureau story Friday morning said that the Birch society reportedly has sponsored Crosby's group. That story was based on a Great Falls Tribune story stating that an alleged Birch society leader

would be master of ceremonies for a Crosby meeting and comments from convention delegates.

Through a typographical error, the State Bureau story also called Crosby's group the Citizens for Constitutional Improvement. The Citizens for Constitutional Improvement is a proconstitution group composed mainly of convention delegates.

Overcash, who said he is now Billings section leader of the Birch society, told the State Bureau that the society does not sponsor candidates or groups in partisan issues.

"I wish to emphatically and categorically deny that the John Birch Society is sponsoring any activity whatsoever in regard to the June 6 election and the proposed new constitution," Overcash said.

The Birch society has not taken any position on the constitution, he said.

He also said that Crosby may be trying to leave the impression that he has the support

of the Birch society. Individual society members may be being Crosby as individuals, added.

Crosby told the State Bureau that the leadership of his group does not belong to the Birch society and that the group is being sponsored by the Birch society.

"But some of our members around the state are members of the John Birch Society," said, pointing to a Elfin member and a pilot of on his two planes as example. Quite a few members of John Birch Society have been involved in what we're doing," Crosby criticized. Cons

PRETTY DAY

Fair with the chance of afternoon or evening thunderstorms. High near 80, low 50. Chance of showers 20 per cent in the evening.

Insight and Inside

PARANOID
UNITED

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Message Drafted to Supreme Court	Page 2
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Proposed Constitution Provides Easy

(Editor's Note.— This is the 21st and last in a series of stories examining key provisions of the proposed new constitution and their effect on the people.)

By DENNIS E. CURRAN
Missoulian State Bureau

HELENA — Foes of the proposed new constitution could find solace in at least one of its provisions — it would be easier to amend.

Montana's present constitution has not been as easy to change as many would like. In fact, the cumbersome amendment procedure was a main reason for calling the Constitutional Convention.

The new constitution would make several significant changes in the amendment process.

First, the present limit of only three amendments every two years would be dropped. Any number of proposed amendments could be submitted to the voters at the general election.

Second, the voters would have a new power of initiating amendments by petition. A proposed amendment would go on the ballot if at least 10 per cent of the voters signed an initiative petition. The procedure would be similar to the people's power of initiative to propose laws.

Third, constitutional conventions could be called much more easily. The people could call for a convention through initiative petitions, another new power, and they would be asked automatically at least every 20 years if they wanted to call a convention.

The proposed constitution also would make it easier for the legislature to propose amendments (two-thirds vote of total membership rather than each house) and would change future constitutional conventions slightly. All conventions would be unlimited in

Constitution In Review

scope, the legislature would determine whether delegates should run on a partisan or nonpartisan basis, and there would be no six-month limit on ratification elections.

Montana's present constitution has been amended 36 times during its 82-year history.

...bit of damage."

Several families living in trailer houses a mile and a half above Buckhouse Bridge have reportedly had to move to higher ground in the face of rising waters.

The Bitterroot also was spill-

Easy Scan and Print Bridge to keep it from sliding into the irrigation canal.

Rattlesnake Creek is washing some of the riprap which was dumped along banks last year. Frame said a house south of Lolo Street reported water

(Turn to Page 3, Col. 4)

Forrest Rules Out Income Tax Hike

By J. D. HOLMES
AP Capitol Writer

HELENA (AP) — Gov. Forrest H. Anderson said Friday he sees no need for any increase in individual income taxes in order to fund state government at an adequate level in the 1973-75 biennium.

And, although he didn't say it, indications are there will again be no need to levy the two-mill statewide property tax for general government in August this year.

In a letter to all agency directors, Anderson said: "I intend to fund state government during the next biennium without raising the personal income tax."

All recommended budgetary increases will be funded from the growth in the existing tax structure and the savings accruing to the state from executive-reorganization and management reforms.

"It will, therefore, not be necessary to increase personal income taxes to fund all essential programs at adequate levels and to compensate for inflation and other uncontrollable cost factors."

The governor told the agency heads to base their budget requests on what each department needs and not on what it wants.

"I am not directing you to weaken essential programs and

reduce needed services," Anderson wrote. "I am, however, requesting that you eliminate all nonessential expenditures."

The governor said he intends to submit to the 1973 session of the Montana Legislature a taxpayers' budget — a budget that will enable state government to do what must be done without another tax increase.

The responsibility for proposing a balanced budget to the biennial legislature is up to the governor in office even if, as in Anderson's case, he is retiring on the day the session begins.

Anderson's letter let his department directors know what kind of budgets he expects them to submit by September, but it provided no estimate of the size of the over-all fiscal request to legislators who will be meeting under a new governor.

For the present biennium, the all-funds expenditure budget is \$558.7 million, including \$185.9 million from the cash-drawer general fund.

Actually, revenue to the general fund in this biennium is estimated at \$191.4 million, enough to retire the \$4.6 million deficit that opened the biennium and leave \$900,000 in reserve.

Of the projected two-year general-fund revenue of \$191.4 million, individual and corporate income taxes are providing about 50 per cent.

tional Government, Cops Deny Linkup

Master of ceremonies meeting and constitutional convention

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tional Convention delegates for trying to link his anticonstitution group to the Birch society.

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Crosby said he would not release the names of contributors before the election because he had pledged that supporters would not be identified.

"This we don't like to do," he said, explaining that he fears constitution supporters would call his supporters "kooks."

"They've called me a kook, said I was insane — anything to smear us," he said.

He said he would report contributions after the election as required by law. Most of the contributions have been raised through collections at meetings and sale (for \$50) of books prepared by Crosby, but we have about 100 people who help us out when we get in a bind," he said.

Citizens for Constitutional (Turn to Page 2, Col. 4)

PRETTY DAY

Fair with the chance of late afternoon or evening thunderstorms. High near 80, low 45. Chance of showers 20 per cent in the evening.

Provides Easy Amendment Methods

The proposed constitution also would make easier for the legislature to propose amendments (two-thirds vote of total membership rather than each house) and could change future constitutional conventions (eighty rather than unlimited in length).

Constitution In Review

cope, the legislature would determine whether delegates should run on a partisan or nonpartisan basis, and there would be no six-month limit on ratification elections. Montana's present constitution has been amended 36 times during its 82-year history.

but in recent years more amendments have been proposed than would fit on the ballot.

Supporters of the easier amendment process claim it would make the constitution more reflective of the wishes of the people and would make it easier to change government.

If something does not work as well as it should, it could be changed, they argue.

Some critics of portions of the proposed constitution are happy with the simplified amendment process — it would give them a better shot at quickly removing the parts they find objectionable.

If the constitution passes, the voters probably could expect quick attempts to revise the property tax and highway and diversion sections, judging from opposition during the campaign.

"Not everybody is delighted with the new amendment process, however. Some feel that a constitution, is the fundamental law of that state, should have stability and be protected from rapid change. And some argue that it was only 1968 when the people rejected a constitutional amendment which would have raised the three-amendment limit to six."

Montana's present amendment process is among the most restrictive of the states, especially because of the three-amendment limit. Only six states have any limits. Many states provide for constitutional amendment by initiative petition and more than a dozen require submission of periodic calls for constitutional conventions, so Montana would not be plunging into unexplored territory.

Helena, Saturday, June 3, 1972

Mistreatment of Inmate Dismissed

HELENA (AP) — A lawsuit against Montana law enforcement alleging mistreatment of a County jail has been dismissed for lack of proof.

The suit was filed in 1970 by a former inmate of the Montana State Prison against Sheriff Walter J. Anderson, John Vandersheriff, and Andy J. Smith, a former deputy.

Pound had contended he was forced to lie in his own body wastes for 26 days, wearing handcuffs and restraining belts. He said he was not allowed to take a shower for 40 days and had to appear in court without shoes or clean clothing.

An identical suit was also filed by a Richard Lee Gong. It was dismissed earlier.

The suit was filed while Pound was serving two concurrent five-year sentences. He was sentenced for receiving stolen property and for damaging the jail in Conrad while trying to escape.

He had two attorneys withdraw from the case at various times, and on several occasions told the court he could not attend a scheduled hearing because he was in jail. At other times, his attorney claimed he could not reach him.



DUCHESS — Bearing up well under the strain of her bereavement, the Duchess of Windsor arrives at Buckingham Palace Friday. She will stay there until the Duke's funeral at Windsor on Monday. (AP Photofax)

Delegate Recalls Voting Records

Three Constitutional Convention delegates who now say they are opposed to the document were taken to task by the convention's youngest delegate Friday, who pointed out the critics' voting record didn't support their new convictions.

Mae Nan Robinson, R-Missoula, said she studied the convention voting records of Lloyd Barnard, D-Saco, Douglas Delaney, D-Grass Range, and R.S. Hanson, I-Ronan.

"Take Lloyd Barnard, who said in a news story he was 'opposed to pretty near the whole thing,'" Mrs. Robinson said.

"He signed the constitution as did everyone else," she said, "... and of the 14 articles in the constitution, he voted for 12 of them."

Mrs. Robinson said Barnard voted for all but six of the 150 sections in the proposed document.

"He criticized the bill of rights, which he says will destroy law and order in Montana, yet he voted for every one of the 35 sections," Mrs. Robinson added.

She said Barnard also is highly critical of the education article "which he helped to draft."

Mrs. Robinson said Delaney also voted for 12 of the 14 articles, and of the 150 separate

sections, "he voted against only four and was absent on five."

Of Delaney's criticism on the right of the public to participate in government, Mrs. Robinson said he voted for that section of the bill of rights "and never once voiced his objection over the right to participate."

Hanson, who said "the new constitution is going to cost Montanians more" was not supported by any form of financial statement, she said.

She said he "apparently did not read the financial statement requested by Sterling Rygg (R-Kalispell) and other financial research that shows in which areas the new constitution may cost more money and what areas the document will save money."

She said Hanson voted for 12 of the 14 articles and against 10 of the 150 sections.

"I don't necessarily think these men are traitors as they have been called, but I do think they are rather shallow, indecisive men whom I would hate to have represent me as public officials," Mrs. Robinson said.

"While I recognize and appreciate the right of disagreement and dissent ... it seems there is more than meets the eye in their so-called opposition to the constitution," she added.

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Democrat for
STATE LEGISLATURE

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Robert L. Deschamps, Jr. Secy.

Announcing a new

Recreation Sessions Scheduled

HELENA (AP) — Eight planning meetings are scheduled for June into September to wrap up the latest federally required review of Montana's Outdoor Recreation Plan.

In a letter to appropriate federal and state agencies and local and private organizations, Gov. Forrest H. Anderson said the meetings will provide "an interagency forum ... to discuss and analyze the recreation problems and potentials of the respective regions."

"From these meetings it is hoped that a consensus can be derived for a short and long-range recreation plan."

Periodic review of the state-wide plan is required by the Bureau of Outdoor Recreation which will assist the Montana Department of Fish and Game with the revision work.

The governor said that before the Montana plan can be submitted to the federal bureau, it must be reviewed by the State Department of Planning and Economic Development. This is to make certain it doesn't conflict with other agency plans or with the state comprehensive plan.

The first area meeting will be June 12-13 in Helena.

Other meetings are planned for: Billings, June 15-16; Miles City, June 29-30; Malta, July 12-14; and July 27-28 meeting with

2 More Delegates Voice Opposition

HELENA (AP) — Two more Constitutional Convention delegates have come out against the proposed constitution, putting at nine the number of delegates that have stated opposition to the document they helped to write.

The two latest are Richard Nutting, R-Silesia, and Ralph Studer, R-Billings. Like the other dissidents, they signed the new constitution in March.

Nutting said he could have "reluctantly" accepted the new document, except for the education and revenue articles.

He said he is opposed to the removal of the debt limit and permitting the legislature to exempt any class of property it wishes. But he said he could have accepted the removal of

the state property tax limit if the money were to go solely to education.

Nutting said he did not feel the delegates should try to influence the people one way or the other.

Studer said he believes the best way to get a good constitution would be to keep amending the present document.

He said he is against "emasculatation" of the anti-diversion amendment by those persons he says who want to use gas taxes for other than road purposes.

He also said he objects to the education article, and the removal of the property tax and the debt limit.

Sunday Missoulian

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Air Pirates Unarmed

Hijacker Makes Al

ALGIERS (AP) — A black American hijacker brought a commandeered U.S. jetliner and \$500,000 in ransom money to Algeria Saturday night, ending a 7,000-mile trip across the United States and the Atlantic. Police here said he and his companion were unarmed.

The hijacker and the woman were taken into a police office at Maison Blanche airport for questioning, then to a hotel in Algiers. The hijacker was identified as William Holder, 23, of Oakland, Calif., and his companion as Katherine Mary Kerkow, 20.

They were reported to have asked for asylum and said they were members of the Black Panther movement, which has a base here. A number of Panthers were at the airport for the arrival of the Western Air Lines Boeing 720.

Algerian officials said earlier they might permit the couple to remain in the custody of the Panthers while the asylum question is being decided.

The airliner left Algiers and stopped at Madrid. The crew

planned to spend the night in the Spanish capital.

In Los Angeles, a spokesman for Western Air Lines said the U.S. State Department was negotiating with Algeria for a return of the ransom money.

Holder, who described himself as a helicopter pilot, told a reporter, "I've got nothing to say—absolutely nothing to say."

No address was given for his companion, who was described as an American oceanography student.

The hijacker wore a white shirt and brown trousers and carried an attache case as he left the plane. The government news agency said his blonde companion was dressed in a red shirt and sky-blue pants.

The agency said in the attache case were two books and an empty razor box. The hijacker had told the airliner's pilot he had a bomb.

The couple carried the ransom money—\$500,000 in \$100, \$50 and \$20 bills—with them as they left the plane.

Police surrounded the silver and red plane when it landed.

The control tower closed off access to the airfield but reopened it to normal traffic 10 minutes later.

The plane taxied to a runway area about a mile from the terminal. Two automobiles and three fire trucks accompanied it.

Armed security forces, deployed around the airport, kept newsmen away.

The U.S. charge d'affaires, William Eagleton, waited in the terminal and conferred with police and foreign ministry officials. Algeria broke off relations with the United States in 1967.

The hijacker, then wearing an Army captain's uniform, seized a Western Air Lines Boeing 727 during a flight from Los Angeles to Seattle. He freed about half the 90 passengers unharmed when the plane flew to San Francisco, where he collected the ransom, changed to the longer-distance 720 and ordered it to New York. The other passengers were released in New York Saturday. Then the plane flew to Algiers.



Flood Conditions Remain 'Stable'

Muddy flood waters, rising the last few days in the Missoula area, gave diking crews some respite Saturday by claiming no more bottom land.

"The rivers were pretty stable today," said County Surveyor Elmer Främe. "Everything is about the same as it was yesterday (Friday), it doesn't look too critical anywhere." The water level at the

ing water from wells which might have become contaminated," said Jim Nelsen, director of environmental health. "Wells in these areas should be sterilized before the water is used after the flooding subsides."

The U.S. Army Corps of Engineers has been supplementing the diking efforts by

county crews for the past several days, and is preparing for the worst.

The corps has assembled a crew of 14 and lined up nearly 30 pieces of heavy equipment and operators from the Missoula area.

To date, the engineers have placed about 2,000 cubic yards (Turn to Page 2, Col. 6)

Easy Scan and Print
LOOK too critical anywhere.

COUNTY COMMISSIONER
(Vote for one)

Lud Browman _____ Lester Madsen _____

AUDITOR
(Vote for one)

Elloine "Ellie" Burreson _____ Mary Lou Behner _____
Genevieve F. Spaulding _____ Herber L. Schatz _____

JUSTICE OF THE PEACE
(Vote for two)

John V. Moon _____ *J. G. "Bud" Lamoreaux _____
Marvin A. Rickel _____

CONSTABLE
(Vote for two)

Lex A. Herndon _____ *John C. Grundhauser _____
*Leo C. Might _____

NONPARTISAN JUDICIAL
ASSOCIATE JUSTICE NO. 4 OF SUPREME COURT
(Vote for one)
*John C. Harrison _____

DISTRICT JUDGE, DEPT. 1
(Vote for one)
Edward T. Dussault _____
Vernon Hoven _____
John F. Patterson _____

DISTRICT JUDGE, DEPT. 2 **DISTRICT JUDGE, DEPT. 3**
*E. Gardner Brownlee _____ *Jack L. Green _____

CONSTITUTION

FOR the proposed constitution
AGAINST the proposed constitution

SIDE ISSUES
(Vote for one each)

FOR a unicameral (1 house) legislature
FOR a bicameral (2 house) legislature

FOR allowing the people or the legislature to authorize gambling.
AGAINST allowing the people or the legislature to authorize gambling.

FOR the death penalty
AGAINST the death penalty.

The water level at the Milltown gauging station showed the Clark Fork River rose only two-tenths of a foot in the last 24 hours.

The National Weather Service said the four-day trend is toward stabilization. Saturday the Milltown gauge read 11.9 feet — nine-tenths of a foot over flood stage.

Sunday the river is again expected to flow at 11.9 feet, with a slight rise to 12.1 feet Monday, then hold through Wednesday.

In addition to property damage the flood waters might contaminate lowland wells warns the Missoula City-County Health Department.

"People in areas affected by flooding are warned against us-

plementing the diking efforts by _____ (Turn to Page 2, Co

Big Four Sign Berlin Agreement

BERLIN (AP) — The Big Four put final touches on the long-sought Berlin agreement Saturday, leaving the city divided but raising hopes for a better future in the thawing East-West political climate.

Secretary of State William P. Rogers, Soviet Foreign Minister Andrei A. Gromyko and their colleagues from France and Britain, Maurice Schumann and Sir Alec Douglas-Home, signed the last protocol in a friendly atmosphere at West Berlin.

As if to underscore freedom of movement for in the treaty, Rog drove to East Berlin hour's sightseeing Gromyko flew to West ny- for an overnight Bonn.

The apparently orch gestures of good-will cluded announcement of full diplomatic relat between West Germany land and final ratific Bonn's nonaggression with Poland and the Sc ion.

Insight and Inside

**MEAT
MAY BE
TENDER,
BUT THE
PRICE IS
TOUGH**

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Democrats May Control Both Houses Page 42

Woman Ordained Jewish Rabbi Page 26

Separated ABM Workers Are Angry Page 23

TV Schedule Page 22

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Toil, Debate End; It's Up to

By DENNIS E. CURRAN
Missoulian State Bureau

HELENA — Montana voters will decide Tuesday whether Montana's Constitutional Convention story will have a happy or sad ending.

The public has the final say in a saga which has been in the making since the mid-60s, when a growing group of citizens and state officials decided that changes were needed in Montana's 1889 constitution.

Early efforts were directed at amending the existing document, but by the end of the decade it was apparent that more direct action was needed and so in 1970 Montanans voted nearly 2-1 to call a constitutional convention.

Last November they elected 100 delegates to represent them, and the convention was on. The delegates were a strange con-

glomeration of old hands and political neophytes. Lawyers, ranchers and businessmen who so often dominate politics were joined by housewives, educators and clergymen.

Partly because of the sales tax referendum, the Democrats captured 58 seats and quickly began organizing to make sure the convention president would be a Democrat. Any Democrat.

A dozen hopefuls went into a Democratic caucus, but after winning the Butte-Anaconda delegation's support in a corridor huddle, Leo Graybill Jr., a Great Falls attorney, was the man who emerged.

The following day, after the pomp of opening ceremonies, Graybill was elected president, Butte's Dave Holland was named chairman of the Judiciary Committee and the partisanship stopped.

Meanwhile, as delegates returned home to

await the winter work session, the convention's research staff was busy churning out material which would total 2,400 pages and measure a foot thick.

On Jan. 17, delegates returned to take their first halting steps in committees and floor debate over rules. For the next month, they

Constitution In Review

spent almost all their time in one of 10 committees preparing proposals for a new constitution.

Everytime you turned around some committee was holding a public hearing, and often all 10 committees held hearings at the same time.

(Turn to Page 2, Co)

g Four Sign rlin Agreement

(AP) — The Big final touches on the Berlin agreement leaving the city d-raising hopes for a re in the thawing political climate. of State William P. iet Foreign Minister Gromyko and their from France and urice Schumann and uglas-Horne, signed stocol in a friendly

atmosphere at West Berlin's Al- lied Control Council building. As if to underscore the new freedom of movement provided for in the treaty, Rogers then drove to East Berlin for an hour's sightseeing and Gromyko flew to West Germa- ny for an overnight stop in Bonn. The apparently orchestrated gestures of good will also in- cluded announcement in Bonn of full diplomatic relations be- tween West Germany and Po- land, and final ratification of Bonn's nonaggression treaties with Poland and the Soviet Un- ion.

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Pages 5 to 8

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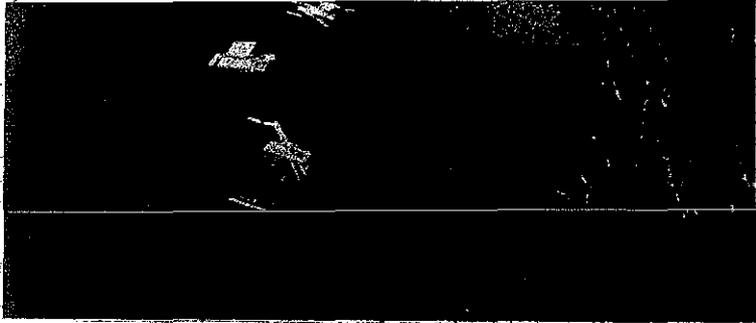
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Page 22

The treaties recognize the Oder-Neisse line as Poland's western border, officially lay- ing to rest a dispute over Ger- man territorial losses that had envenomed relations between Bonn and the Communist bloc since World War II.

But for the people of Berlin— whose city is still split by the Communist wall—it was the protocol signing that held the most immediate significance.

Under its terms effective midnight Saturday, East Ger- many implements full-time vis- iting rights for West Berliners to the surrounding Communist- controlled countryside. Eased traffic controls practiced tem-

(Turn to Page 2, Col. 4)



STRANDED — But hardly high and dry. As the Bitterroot and Clark Fork rivers continue to overflow their banks, rising water steadily threatens property. Stranded in a corral, a horse waits rescue or reced- ing water. (Photo by U.S. Army Corps of Engineers)

Okanogan River Falling

By THE ASSOCIATED PRESS

The Okanogan River has en- ded its destructive climb over banks and dikes, but for up- wards of 400 families left home- less and scores of workers the end is far from in sight.

The northcentral Washington river started falling at Tonas- ket early Saturday after hitting a high point of 22½ feet, about half a foot higher than flood waters reached in 1948.

Officials predicted it still would be several days before waters receded sufficiently to allow refugees to begin return- ing to homes, and meanwhile they faced the touchy problem of making sure dikes did not crumble under the continued flood.

"We're probably in one of the most crucial periods of the flood fight now," said a Seattle spokesman for the Army Corps of Engineers, which has di- rected much of the effort to control the rampaging water.

"Those levees are really saturated," he said. "The big- gest thing we can do now is keep reinforcing those levees so they don't start popping."

A 40-foot dike section that gave way Thursday night and sent water roaring into the streets of Okanogan has been repaired, he said, but the town's business area, as well as those of half a dozen other communities, remained in- undated.

Water in an eight-block sec-

tion of Okanogan has been re- ported between five and six feet deep in some spots. Water stands as deep as six feet in some low areas of Omak, the spokesman said.

Officials surveying the area by helicopter Saturday dis- covered five families marooned by water west of Oroville, he said, but they indicated they had food, water and a working telephone and planned to sit tight.

A major dike reinforcing ef- fort was concentrated around the Omak sewage treatment plant, which has continued in operation through the flood. A treatment plant at Okanogan was knocked out earlier in the

week.

It's Up to the Voters Now

wait the winter work session, the con- vention's research staff was busy churning out material which would total 2,400 pages and measure a foot thick.

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pent almost all their time in one of 10 com- mittees preparing proposals for a new con- stitution.

Everytime you turned around, some com- mittee was holding a public hearing, and often all 10 committees held hearings at the same time.

Lobbyists were shunned; "public in- volvement" was the magic phrase.

During the same period, Graybill managed the administrative details with a firm hand, coping with budget problems and sometimes clashing with staff.

Midway through the convention, the scene shifted abruptly from the cramped committee rooms to Convention Hall and the new world of debate. Those who expected sedate rub- berstamping of committee proposals were in for a rude shock.

The delicate compromises and intricate wording worked out through hours of committee argument sometimes were scrapped during floor debate as delegates hastily jotted amendments on backs of envelopes with one hand while reaching for their microphone with the other.

Debate brought out the talkers, the for-the-

record speakers and the exaggerators. It also brought out the corridor arm-twisters, floor- workers and vote traders.

Above all, it dashed fears of partisanship. The convention had semi-defined vote blocs of liberals, moderates and conservatives. Democrats tended to be liberal and Republicans tended to be conservative, but there was no partisan split on issues.

Delegates who were more liberal on some issues and conservative on others made up the moderate bloc and probably had the greatest influence on the product of the convention.

After 54 days, the convention produced a middle-of-the-road compromise document which goes too far for some and not far enough for others.

And now the voters will end the story by deciding whether the proposed new document will become Montana's new fundamental law or a footnote for its history books.

EDITORIAL PAGE — Editorials, Letters, Opinion

Ticklers: The Futu

What could be an exceptionally significant public hearing affecting Missoula's future will be held Monday night by the City Council.

The hearing concerns creation of a special improvement district (SID) embracing the downtown area and an area just south of the Higgins Avenue Bridge.

The SID, which the council is scheduled to take action on after the hearing, would finance a \$50,000 preliminary planning study aimed at mapping out the future of the entire downtown area.

It would include, according to the official notice, . . . conceptual plans for land use, zoning, traffic circulation, parking facilities, mass transportation, street lighting, street furniture, landscaping, beautification, economic future, civic center area, river front, parks, downtown malls, cultural centers, library and methods of implementing all such plans.

All that might sound a bit dry. But at stake is this: The SID could be the key to open a broad, original and continuing program to make concrete improvements in Missoula.

The SID could be the key to saving the downtown area, the key to a civic center, the key to an attractive downtown and community, the key to convenient shopping, the key to jobs, the key, in short, to creating a community people can feel pride in and love for.

The planning will embrace the entire downtown area, including those areas outside the SID. The cost can be spread out over several years, and arrangements are in the works to help out hardship residents in the area who feel they cannot afford an addition to their taxes.

The SID was sparked by the controversy over a downtown parking ramp. Both sides in that controversy favor the broader, more comprehensive approach of the SID, which includes planning for parking (which downtown merchants, not everyone in the SID, would pay for) but also a lot more.

This hearing and the council's action could determine whether Missoula's heart will beat strongly again or gradually die. It is dying now. Congratulations to the supporters of the SID for their vision. May the City Council see it their way.

o—o—o

Good for the University of Montana forestry students who worked hard and well on designing a bikeway system for Missoula and promoting bike safety and recreational use.

A class in Forest and Environmental Ecology drew up phase one of a three-phase bikeway system for the community. Now, with the end of the quarter, phase one will go to the City Council and be left in its hands.

More and more people are biking all the time. A bikeway system, formally adopted and promoted by the city, would make Mis-

soula a safer ar for its many pe

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EDWARD A. COYLE, EdH

Supreme Court Misuses It

This is the second of two comments by Ellis Waldron concerning the recent behavior of the Montana Supreme Court. Waldron is a professor of political science at the University of Montana and was a member of the Montana Constitutional Convention Commission. — The Editor)

By ELLIS WALDRON

In Article III, Section 2 of their constitution, Montanans reserve to themselves the power "to alter and abolish their constitution and form of government, whenever they may deem it neces-

sary." The constitutional revision process for ordinary legislation. It held the governor must have a chance to approve or veto legislative proposals of constitutional amendments "with a two-step argument. Both legislative houses must approve amendment proposals, and the legislative article (V, section 40) said "every order, resolution or vote in which the concurrence of both houses may be necessary" must go to the governor. A detailed requirement of ordinary legislative process was made to limit the amending process of Article XIX, because "the constitution, like a statute, must be considered as a whole."

Courts in five states had held, some recently, that convention delegates were officers "under the people" rather than ordinary garden-variety oficers "under the state."

That view allowed legislators and other sta officers to serve in constitutional convention. That view recognized the special quality of convention delegates. They could not legislate, they could not adjudicate, they could not administer except their own affairs. They were special; they could do, really, was to meet and propose ne constitutional rules.

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In Article III, Section 2 of their constitution, Montanans reserve to themselves the power "to alter and abolish their constitution and form of government, whenever they may deem it necessary" subject to restrictions of the national constitution and provisions of process stated in Article XIX.

But since 1960 there also has been the court-contrived Livingstone license to shoot down the process with any restriction the court can find anywhere else in the constitution that the court thinks might apply.

Prior to 1960 the Montana Supreme Court invalidated several proposals of constitutional amendments, not one already ratified, for procedural departures from the requirements of amending Article XIX. It construed the language of that article with notable rigor until the 1923 Tax Commission Case approved the amendment establishing the State Board of Equalization.

In that process, "substantial compliance" with Article XIX was sufficient. The court said that when the legislature proposes constitutional amendments it "is not in the exercise of its legislative power or any sovereignty of the people that has been intrusted to it, but is merely acting under a limited power conferred upon it by the people" to initiate constitutional revision. The tax commission could go ahead and tax.

The court expressed a common understanding of two centuries that American constitutions, both national and state, are special higher law more important than ordinary law; and that this law is changed only by special processes and by its own special rules. The people and their representatives (whether legislators or convention delegates) are exercising a "constituent power," not an ordinary legislative power and function.

IT IGNORED WISDOM

In 1960 four members of the Montana Supreme Court chose to ignore this elementary principle and the wisdom of 1923. It subjected the constitu-

tional revision process to constitutional requirements for ordinary legislation. It held the governor must have a chance to approve or veto legislative proposals of constitutional amendments with a two-step argument. Both legislative houses must approve amendment proposals, and the legislative article (V, section 40) said "every order, resolution or vote in which the concurrence of both houses may be necessary" must go to the governor. A detailed requirement of ordinary legislative process was made to limit the amending process of Article XIX, because "the constitution, like a statute, must be considered as a whole."

On this sifaky court interpretation of a court-contrived rule of interpretation, three legislative proposals of amendments were stricken from the 1960 ballot because they had not been sent to the governor. The court could cite not a single case authority from any jurisdiction for its rule. Chief Justice James T. Harrison and Justice Wesley Castles concurred in the holding and reasoning. Justice Angstrom rejected the reasoning with arguments that stated the universal understanding earlier expressed in the 1923 Tax Commission Case. But the court now had a hunting license to search every nook and cranny of the constitution for language which it thought could restrict the "constitutional power" of the people. This was the Livingstone hunting license.

HUNTING LICENSE USED

Ten years later the people authorized a constitutional convention and the 1971 Legislature prepared for the event. Legislators asked the supreme court, in the Lennon case, whether they could seek election as delegates and serve in a constitutional convention. The answer was that they could not.

A year later in the Mahoney case the court decided that the reverse was also true: Convention delegates could not seek other public office during their term as delegates that the court said lasted until June 30, 1973 — the expiration date of convention-enabling act and appropriations. In Lennon the court also decided that convention delegates, like ordinary legislators, must be nominated in partisan primaries and elected on partisan political ballots.

Without exploring the detail here, none of these holdings was clearly required nor the inevitable result of express terms in the constitution. The supreme court had respectable choices on all the issues mentioned, supportable by reasoned argument and significant decisions in other states.

Courts in five states had held, some recently convention delegates were officers "under people" rather than ordinary garden-variety officers "under the state."

That view allowed legislators and other officers to serve in constitutional convention. That view recognized the special quality of convention delegates: They could not legislate, could not adjudicate, they could not administer their own affairs. They were species they could do, really, was to meet and propose constitutional rules.

THE COURT WASN'T IMPRESSED

Our court, with its Livingstone license, was impressed. The logic of that case was to deprive constitutional revision to the level of ordinary officers. Chief Justice Harrison and Justice C of the 1960 Livingstone majority now were joined by their colleagues of more recent vintage Lennon and Mahoney decisions were unanimous. Nor were they really "bad law" if the Livingstone license is valid. They simply extended its logic concepts to new fields — to a constitutional convention.

The convention adjourned and the Kvaalen case decided that convention funds could be spent by a convention voter education committee after convention adjournment, to inform about the proposed new constitution. I comment has noted apparent inconsistencies between the Mahoney and Kvaalen decisions, within a week late in April.

Mahoney held that delegates could not hold other public office because their term and all their powers except to change their recommendations to people would last beyond adjournment. The mained delegates with delegate powers for an 15 months until their enabling act and expenditure authority expired June 30, 1973. Therefore could not seek office that commenced in January 1973.

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Easy Scan and Print

JOHN TALBOT, Publisher

EDWARD A. COYLE, Editor

SAM REYNOLDS, Editorial Page Editor

SID 14, Opponents 5

Bikers 11, Everybody Else 7

Arizona 1, Public Interest 0

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\$700,000 to prepare for, educate and sustain 100
delegates through the drafting of a constitution
and then turns off the tap during the period be-
tween adjournment and election — a period pre-
scribed so voters can find out and decide about the
new constitution.

Except for publication of the secretary of
state's voter pamphlet — the tabloid 24-page
text of constitution and sketchy explanation mailed
to every voter and paid for by a special legislative
appropriation (not from convention funds), the
court contrived to leave the field of education en-
tirely to efforts of private citizens and delegates,
with private funds.

The convention had recognized a dilemma.
There was little doubt that substantial organized
activity by all delegates after "adjournment"
would enable a court armed with its Livingstone
license to hold there had been no adjournment in
fact, and invalidate the scheduled June 6 election.

To guard the election, the convention created a
committee of named delegates and granted the
committee "full authority to manage and conclude
all of the convention's procedural, administrative
and voter education affairs" within available funds
and limited by an earlier resolution that voter in-
formation must be "factual reporting of the pro-
ceedings."

NO SAFETY THERE

The election date seemed safe, but the court
impaled voter education on the other horn of the
convention's dilemma. It found improper delega-
tion of authority "for voter education purposes
(which) must be exercised by the convention it-
self." The court said there were two related rea-
sons: The guideline of "factual reporting" was not
sufficiently "substantial"; and the grant of "full
authority" removed the committee of delegates
from "absolute control of the state" required for
educational expenditure by Article V, Section 35 of
the constitution. Section 35, by terms and history,
is aimed at legislative appropriations to private
charitable, educational and religious activities and
agencies. Using its Livingstone license the court
first made a committee of convention delegates a
"person" to fit within the confines of Section 35,
then clubbed them with it.

The amending Article XIX, Section 8 neither
authorizes nor prohibits voter education by the
convention, but the legislative enabling act provid-
ed in clear terms for such activity. The enabling

act in section 17 (3) and 17 (4) provided for the vot-
er pamphlet mailed to each voter with the text of
the proposed constitution and related materials;
there was a separate legislative appropriation for
this purpose.

In the next section 17 (5) the legislature said
"The convention shall ALSO publish a report to
the people explaining its proposals." Convention
resolution Eleven incautiously cited both 17 (4)
and 17 (5) when it instructed the secretary of state
to advertise for bids to print the voter pamphlet
with the special appropriation for that purpose.

The court seized upon this molding of 17 (4) and
17 (5) by the convention itself, to conclude that
both provisions "are satisfied by the printing and
distribution by the secretary of state" of the tab-
loid voter-pamphlet text of the proposed constitu-
tion.

THE LAW WAS FRUSTRATED

Such interpretation of the convention's actions
under the enabling act frustrated clear statutory
intent of the legislature and evident overall plan-
ning and specific decisions of the convention.
Rarely will a court more clearly reveal intent to
restrict the people's power over their own basic
law, expressed through elected legislators and
convention delegates.

Thus have Montana's supreme court justices,
armed with their Livingstone license, depreciated
the people's power "to alter and abolish their con-
stitution and form of government, whenever they
deem it necessary." (Montana Constitution, Arti-
cle III, Section 2)

For such abuse of judicial power the justices of
the Montana Supreme Court should be accounta-
ble. A vote June 6 for ratification of the new con-
stitution is a vote for such accountability. Under
the new constitution if ratified, each judge will run
against his record and can be retired by a prepon-
derance of individual "NO" votes on that record.
This would start in the 1974 election, or whenever,
after 1972, incumbent judges come to the end of
their present term.

Whatever happens June 6, the justices still face
the voters eventually — but with a powerful built-
in advantage under present law. The incumbent
associate justice seeking re-election in November,
1972, can be retired only by a statewide plurality of
votes for some single write-in candidate.

But there will be five months to organize such
an expression of public views on the Livingstone
license.

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Local Politics

by Gary Langley

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Harriet Miller, Democratic candidate
for representative from the Western
District, has registered strong en-
vironmental views to six questions ad-
vanced some time ago in this space.

Miss Miller, the former state
superintendent of public instruction, is
the fourth of five candidates in the race
to advance her views.

ing and exploration. Lease money is
no excuse for granting drilling permits
in an earthquake fault zone," she said.
"Government must enforce en-
vironmental safeguards and the oil in-
dustry must perfect its technology."

— Money in the 1956 Highway Trust
Fund, according to Miss Miller, should
be used by each state according to its
surface transportation needs. She

plementation of adequate safeguards
questionable. "It seems unwise to pro-
ceed without further study," she said,
adding the pipeline company should be
financially responsible for any en-
vironmental damage and the federal
government should maintain strict
surveillance at all stages. She also
noted the proposed all-land route
through Canada would seem to reduce

Easy Scan and Print

dual departures from the requirements of amending Article XIX. It construed the language of that article with notable rigor until the 1923 Tax Commission Case approved the amendment establishing the State Board of Equalization.

In that process, "substantial compliance" with Article XIX was sufficient. The court said that when the legislature proposes constitutional amendments it is not in the exercise of its legislative power or any sovereignty of the people that has been intrusted to it, but is merely acting under a limited power conferred upon it by the people to initiate constitutional revision. The tax commission could go ahead and tax.

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The Missoulian of May 24 contains several perplexing things about the proposed constitution.

With reference to the Kate Payne article it would appear that the basis of progressive fiscal policy is to eliminate entirely direct participation by the people. The present two mill tax limit for state purposes and the \$100,000 state debt limit NOW may be exceeded TO ANY REQUIRED AMOUNT BY A VOTE OF THE PEOPLE as specified in Section 9 of Article XII and Section 2 of Article XIII of the present constitution which the voters do not have readily at hand because the peoples' right to know obviously does not include the right to have distributed with the convention material a draft of the present constitution for verification and comparison.

Moreover, the state government system involves a limitation of powers of the legislature without which the legislature can do ANYTHING. The federal system involves a grant of powers without which the Congress can do NOTHING. The systems cannot be compared in this respect.

The letter of Joyce D. Zacek is amusing and unfounded; as any casual observer will realize. But about

of federal funds and \$7,058 of Montana State University funds were granted to help produce and deliver the May 21st Sunday supplement which again reproduced the total proposed constitution with additional material. If dubious, ask Alve J. Thomas, State Department of Public Instruction, Helena, or Ernest R. Ahrendes of Montana State University, Bozeman.

My contact with these helpful gentlemen resulted from an interest and desire to see whether a "grant" could be obtained to counteract the May 21st Sunday supplement by reproducing and distributing the present constitution for the use and information of the people. Unfortunately no funds remain.

Finally, the editorial "Sales Tax Boys See Their Chance" is laughable if it were not concerning such a serious subject. The Missoulian editorial of Oct. 29, 1971 supported a vote for the sales tax. Are you one of "The Sales Tax Boys?" — Wesley W. Wertz, Helena.

(The Missoulian was not associated with SOS — the big business organization which tried to sell the sales tax. And after the people voted overwhelmingly against the sales tax, our view became that their will should prevail, and that certainly a sales tax should not be compelled by voting down the new constitution. — The Editor)

LETTERS

Inconsistent

It is indeed strange that Dr. M. F. Keller, a several-term legislator from Great Falls, should all of sudden become critical of the Great Falls Chamber of Commerce and the Montana State AFL-CIO for the manner in which each endorsed the proposed state constitution.

I don't recall that Dr. Keller at any time has advocated that all measures passed by the elected representatives of the legislature should be put to a referendum vote. Yet, he is critical of these two organizations because the ELECTED directors of the Chamber of Commerce and the ELECTED delegates to the AFL-CIO Convention didn't take the issue to their entire memberships.

It would seem that Dr. Keller, in his nitpicking opposition to the proposed constitution, puts himself in the highly untenable position of being blatantly inconsistent. — Jean Cunningham, Helena.

Letters should be on a subject of general interest. Letters longer than 300 words will be returned to the writer for condensation or get cut by the editor. Letters must be signed and give the writer's address.

Harriet Miller, I for representative District, has reg vironmental views vanced some time. Miss Miller, superintendent of the fourth of five c to advance her view

Here is a summ — Miss Miller i. the supersonic tr calls "environment uneconomic." The could be put to b vironmental bank vironmental protec existing jobs and he in the environment

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Primary

A voter's guide to issues and race

Written by Gary Lan

Record Vote Expected on

A month ago, election officials came up with a rather curious prediction backed up by statistics: Voters, generally besieged by an extreme case of apathy during primary elections, will turn out Tuesday in record numbers.

The reasons probably are as numerous as the names and issues on an unusually long ballot in which voters will designate party nominees for 10 state and national offices, and approve or reject a proposed constitution.

In Missoula County, where 29,837 voters are registered, they also will cast ballots for a number of county offices, nominate candidates for 10 seats in the state legislature, vote on a slate of candidates for district judge and approve or reject an \$850,000 bond issue to build a new library.

That mouthful, topped by a tax-burdened block of voters concerned about the responsiveness and credibility of government has produced a registration far and away the

attract industry without sacrificing clean air and water. As a result, the main thrust has been a call for strict pollution standards and light, nonpolluting industry.

But one of the biggest issues is one in which the voters themselves will have the final say — a new constitution written earlier this year by a 100-member Constitutional Convention to replace the state's 83-year-old document.

The entire constitution will be placed on a separate ballot along with three side issues in which voters will decide whether the legislature should contain one or two houses, if the death penalty should be retained, and if the legislature should be empowered to authorize gambling.

All indications point to a close statewide vote on the document, although it appears to face bright prospects in Missoula County.

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Some of "deliberate-

It is the that may registration observers.

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However, the new registration bracket, and 10 per cent, a

That mouthful, topped by a tax-burdened block of voters concerned about the responsiveness and credibility of government has produced a registration far and away the largest in Missoula County's history.

So pressing is the taxation issue, with Montanans paying some of the highest income and property taxes in the country, that nearly every candidate from the U.S. Senate down has cited it as a major campaign plank.

It was rated as the major issue or at least mentioned by 17 of 22 candidates for the State Legislature and nearly every candidate for the U.S. Senate, House and governor's office.

And each candidate has a solution — ranging from a freeze on government spending to sweeping tax reform.

Many candidates also cited faith in government as a major issue. Candidates for national offices have pledged to come home more often; gubernatorial hopefuls have promised inspections of the governor's mansion, establishment of satellite governor's offices, and more traveling by the chief executive; and candidates for the legislature have expressed hopes that government will be kept more open. And for possibly the first time in any election in Montana, even some candidates have pushed for financial disclosures from politicians.

Montana's dismal unemployment picture, which stands well above the national average, also has been cited by many candidates — but not without relating it to the environment as they've grappled with the problem of how to

All indications point to a close statewide vote on the document, although it appears to face bright prospects in Missoula County.

In fact, John Toole, first vice president of the convention, predicts "overwhelming approval" of the document here.

Organized support has been sparse and slow to respond to a call for help from Missoula's eight-member convention delegation, but a few groups have announced their support.

Meanwhile, delegates have worked hard at attempts to garner endorsements of the new document. They have appeared regularly before local service and social organizations — and one delegate has reported delivering more than 35 speeches during recent weeks.

Most candidates for the legislature — 13 of 22 — have announced support of the constitution. While only one candidate announced opposition to the new document, eight either have said they are undecided or declined to take a public stand.

Opposition is coming from contractors, farmers and two committees based in western Montana — the Hamilton-based Did You Know? committee and the conservative Citizens for Constitutional Government led by Roy G. Crosby of Missoula.

The Did You Know? committee has circulated 50,000 anticonstitution leaflets in this area during the last few days, attacking various portions of the new constitution.

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McGovernites Organized To Elect Precinct Committeemen

George McGovern has arrived in Missoula. Not literally, of course, but in the hearts, minds — and on the campaign cards of at least 65 candidates for precinct committee posts in Missoula County.

It is a different approach to presidential politics at the very heart of grassroots campaigning — and the young man behind the move thinks it will be successful. In fact, from Shaun Thompson's vantage point, the South Dakota senator could walk away with all 14 delegate votes from Montana this month.

"Theoretically we should have the votes to take it," the 20-year-old journalism major at the University of Montana surmised. "But we'll have to be very careful."

However, that does not mean the McGovern supporters are keeping their presidential preference a secret — something that often happens at the precinct level.

"As a matter of fact that's what we're trying to stress," said Thompson. "They are running the campaigns the way they see fit. No two campaigns are alike."

And for the candidates, running in at least 50 of the county's 63 precincts, it means doorbell ringing and campaign cards in many

incumbents — some of them eye shots.

"We're trying to stress McC and he's giving people a choice said.

"And so far Missoula appears a national Democratic trend in of the once Quixotic, but no McGovern movement.

"The feeling I get is we're d in the precincts," Thompson within the last month we've real

In fact, with such a large didates running, Thompson pre if the McGovern supporters primaries, Missoula County's de June 17 Democratic state cover heavy with votes for the South D

The movement seems to att following, seems comprised c general membership.

"It's very general," Thomps types of people.

Some are longhairs; others there are housewives and colleg even party regulars.

But to garner that diverse su

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nd races on the June 6 ballot.

by Gary Langley

ed on Many-Sided Ballot

Some of the attacks have been called "deliberate falsifications" by Toole.

It is the constitution above any other issue that may have accounted for the high registration of voters, according to some observers.

In Missoula County, it has swelled to a larger number than even for any general election in history. It is more than 3,000 higher than for the 1970 general election, more than 5,000 higher than the 1970 primary — and nearly 8,000 larger than at its highest point a decade ago.

The makeup of the new voters is not easily discernable, and will not be known accurately until after the election, according to County Election Supervisor Ken Wolff.

However, Wolff estimated 60 per cent of the new registrants are in the 20-to-28 age

The only exception appears to be in the Democratic primary for Public Service Commissioner where Incumbent Louis G. Boedecker is being challenged by former Lt. Gov. Paul Cannon who made the same race two years ago, upsetting the incumbent Paul T. Smith in the primary, but losing in the general election.

The legislative and county races, however, reveal slim pickings.

The four candidates for the State Senate are unopposed in the primary; and in the House races, where eight will be nominated from each party, there are only nine candidates on each side of the ballot.

Moreover, there is only one contested primary for three district judge seats; and county auditor is the only contested race for five courthouse post nominations

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The makeup of the new voters is not easily discernable, and will not be known accurately until after the election, according to County Election Supervisor Ken Wolff.

However, Wolff estimated 60 per cent of the new registrants are in the 20-to-28 age bracket, and "very very few," probably about 10 per cent, are 18 and 19 year olds.

It also is difficult to determine how many prospective voters are University of Montana students, but Student President Bob Sorenson estimated some 3,000.

Beyond the constitution, some state and national races — particularly those for governor and Western District representative — have generated high voter interest.

Both primaries for governor are heated with front-runners Lt. Gov. Tom Judge and Senate Majority Leader Dick Dziwi fighting for the Democratic nomination in a five-way race, and former Fish and Game Department Director Frank H. Dunkle and State Rep. Ed Smith apparent front runners in a four-way Republican race.

The three-way race for the Democratic congressional nomination also has produced high interest with former Rep. Arnold Olsen and Harriet Miller, former superintendent of public instruction, facing a challenge from political newcomer, Art Sakaye of Kalispell.

A tight four-way race also is in the offing for the Republican nomination for the U.S. Senate.

The other races have sparked little interest. Most incumbents are assured of spots on the November ballot or face unknown opponents.

from each party, there are only nine candidates on each side of the ballot.

Moreover, there is only one contested primary for three district judge seats; and county auditor is the only contested race for five courthouse post nominations.

The state and national lineup looks like this:

U.S. Senate: Sen. Lee Metcalf and Jerome Peters, Democrats; Henry S. Hibbard, Merrill K. Riddick, Harold E. Wallace and Norman C. Wheeler, Republicans.

U.S. Representative: Olsen, Miller and Sakaye, Democrats; Rep. Dick Shoup and Kay M. Thompson, Republicans.

Governor: Judge, Dziwi, David E. Burnham, Dallas Howard and Eva Shunkwiler, Democrats; Dunkle, Smith, Tom Selstad and Warren McMillan, Republicans.

Lieutenant Governor: Bill Christiansen and Edward J. Warren, Democrats; Harold Hanson and Lou Welch, Republicans.

Secretary of State: Incumbent Frank Murray, Democrat; David Lewis, Republican.

Attorney General: John C. Sheehy, Democrat, and Incumbent Robert Woodahl, Republican.

State Auditor: E. V. Omholt, Republican.

Public Service Commissioner: Boedecker, and Cannon, Democrats; Alex B. Stephenson, Republican.

State Treasurer: John McLaughlin, Democrat; Hollis G. Connors and Opal R. Eggert, Republicans.

Superintendent of Public Instruction: Incumbent Dolores Colburg, Democrat; Jerry L. Agen and C. A. Emerson, Republicans.

incumbents — some of them even write-in long shots.

"We're trying to stress McGovern is here and he's giving people a choice," Thompson said.

And so far Missoula appears to be following a national Democratic trend in its acceptance of the once Quixotic, but not blossoming, McGovern movement.

"The feeling I get is we're doing real good in the precincts," Thompson said. "I'd say within the last month we've really hit it."

In fact, with such a large front of candidates running, Thompson predicts that even if the McGovern supporters lose contested primaries, Missoula County's delegation at the June 17 Democratic state convention should be heavy with votes for the South Dakota senator.

The movement seems to attract a general following, seems comprised of an equally general membership.

"It's very general," Thompson noted. "All

dark-haired youth.

"What we've been doing in the precincts is working — we've been working for two years," Thompson said. "A lot of my people have been working two years — and working hard."

And two years ago, McGovern's chances at the presidency were taken about as seriously as Sam Yorty's. In fact, it was so lightly taken that Thompson couldn't even find any support on the University of Montana campus — a hard fact Thompson views even now as "surprising."

"I had to get some party regulars to help me," he said. "We have a lot of University support now."

The result is an organization that has spread to Helena, Butte and Great Falls with Thompson as vice chairman of the state McGovern for President Committee.

And the way Thompson figures it, the general support is not limited to Missoula.

McCarthy a "cardboard liberal," and says he supported Sen. Hubert Humphrey in 1968 after the death of Robert F. Kennedy.

However, he was drawn to McGovern in 1968, but didn't want to switch when McGovern entered the race a few weeks before the Democratic National Convention.

Now he's solidly behind McGovern, trying to prove this year's election will not be "one more election between two fat cats," he's working for party reform. — "McGovern's been working for party reform for years," and he's looking toward the future when he says, "We're paving new ground."

It is a search for new ideology in the Democratic party — one he thinks will be aided by new blood.

"I think the best thing for the Democratic party is if McGovern wins, it will bring all the new blood into the Democratic party," he said. "This is what we've been fighting. It's not Humphrey. There's no ideology involved

BE INFO YOU CAN'T (CON-CON) A

PREAMBLE A WORD TO THE WISE!

Out of faith and prayer and vision, our forefathers built the house of freedom in which we live. Faith in God formed the solid foundation. Faith in man brought the great dream to reality.

Those Montanans who gathered together in August 1889 were imbued with idealism which springs from torch of faith and belief, but they were not mere dreamers. Their great vision was rooted in wisdom in common sense, and in stern practicality. It was in an atmosphere of home and faith that our blueprint for the preservation of freedom, the Constitution of the State of Montana was born.

Today, that blueprint is our most priceless inheritance—our bulwark against encroaching tyranny. But the Constitution which belongs to each of us, and which is our greatest protection, will continue to be effective, as a guardian of our rights only as long as each Montanan recognizes his responsibility and discharges it accordingly. Unless we know the Constitution of the State of Montana, we cannot understand it, we cannot give it support necessary to preserve it as the protector of our liberty and the foundation of our part to make up the Federal Republic. If we remain in ignorance of our Constitution, how can we defend it?

Our forefathers left us a free government which is a miracle of faith—strong, durable, and marvelously workable. Yet it can remain so only as long as we understand it, believe in it, devote ourselves to it, and when necessary, fight for it. It is up to us to keep the house of liberty in good repair.

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ARE YOU AWARE CONSOLIDATION OF COUNTIES

PRESENT CONSTITUTION
Article 16 Section 8. "Any county, or counties, in existence on the first day of January, 1935, under the laws of the state of Montana or which may thereafter be created or established thereunder shall not be abandoned, abolished and/or consolidated either in whole or in part or at all with any other counties or county except by a majority vote of the duly qualified electors in each county proposed to be abandoned abolished and/or consolidated with any other county or held under the laws of said state."

PROPOSED CONSTITUTION
Article XI, SECTION 2. "The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred until approved by a majority of those voting on the question in each county affected."
Article XI, Section 3. "The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries."

COMMENTS:
By a tricky use of wording, which even the average attorney might not notice, they have provided a loop-hole by which the will of the people could be circumvented. In the present constitution, as you may notice, the idea is left absolutely to the people. It specifies "the duly qualified electors in each county affected". In the proposed constitution it merely states, "a majority of those voting on the question. There is a difference. Who are they?"
If the legislators should decide that: "Consolidation of counties may be effected whenever a majority of the commissioners of the counties effected decides to consolidate". This would not give the people a chance to vote on the issue. It would, also, not be in violation of the wording of Article XI of the proposed constitution.

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PROPERTY TAXES?

PRESENT CONSTITUTION
Article XII, Section 9. "The rate of taxation on real and personal property for state purposes, except as herein provided, shall never exceed two and one half mills on each dollar of valuation; and whenever the taxable property of the state shall amount to six hundred million dollars (\$600,000,000) the rate shall never exceed two (2) mills on each dollar of valuation unless the proposition to in-

PROPOSED CONSTITUTION
Article VIII, Section 3. "The State shall appraise, assess, and equalize the value of all property which is to be taxed in the manner provided by law."
Article VIII, Section 1. "Taxes shall be levied by general laws for public purposes."
Article VIII, Section 2. "The power to tax shall never be surrendered, suspended or contracted away."

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on each dollar of valuation, unless the proposition to increase such rate, specifying the rate proposed and the time during which the rate shall be levied shall have been submitted to the people at the general election and shall have received a majority of all votes cast for and against it at such election; provided, that in addition to the levy for state purposes above provided for, a special levy in addition may be made on livestock for the purpose of paying bounties on wild animals and for stock inspection, protection and indemnity purposes, as may be prescribed by law, and special levy shall be made and levied annually in amount not exceeding four mills on the dollar.

COMMENTS:

With the school (educational) article being open to the discretion of the legislators to create any educational program desirable, and with the Institutions Article (Article XII of the proposed constitution) allowing for creation of any and all types of institutions desired by the legislators; and the limits on property taxes being lifted entirely, private property rights could become quite a sorry thing.

The delegates wish to remove the two mill levy from property taxes because of the inequality of the taxing system. I might remind you that the only equal element in taxing is the mill levy. The inequality is in the assessments. The mill levy has remained equal because it was protected in the present constitution. The assessments were left up to the politicians. The delegates will argue as to how some areas are paying several times the mill levies as other areas. We also would like to remind the people; the reason for this is not that the mill levy limitation contained in the constitution is unequal, but that the people in each area may by a majority of their votes raise their school taxes by approving bond issues. This is actual proof that the limitations contained in the present constitution are not absolute. They only limit the state from raising the mill levy without the permission of the people. If the people vote enough bond issues for schools and other programs, there are no limits to how high taxes may go. THIS IS THE VERY ESSENCE OF A GOVERNMENT OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE. The people can initiate any and all programs they wish while preventing government from shackling them with heavy taxation for programs repugnant to the will of the people. The proposed constitution will circumvent all without representation of this valuable protection.

surrendered, suspended, or contracted away.

Article VIII, Section 7. "The legislature shall provide independent appeal procedures for taxpayer grievances about appraisal, assessments, equalization, and taxes. The legislature shall include a review procedure at the local government unit level."

What PRESENT Article ty, city, State shc donation al, assoc a share? owner w to such c or provis Article become amount, exceedin property for state indebted amount. No can single p lars (\$11 electors law.

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CHILD LABOR AND INVOLUNTARY SERVITUDE

PRESENT CONSTITUTION

Article XVIII, Section 2. "It shall be unlawful for the warden or other officer of any state penitentiary or reformatory institution in the State of Montana, or for any State officer to let by contract to any person or persons or corporation the labor of any convict confined within said institutions."

Article XVIII, Section 3. "It shall be unlawful to employ children under the age of sixteen years of age in underground mines."

COMMENTS:

When Wellington D. Rankin was the director of the Montana Board of Pardons at Deer Lodge, he was hiring inmates for as little as 50c per day. There was nothing in the laws of the State of Montana to prohibit this. It was the above article of the Montana Constitution which stopped and prevented this from continuing. Why should we repeal the article?

Section 3. of the present constitution was amended to the constitution in 1904. Why repeal it now?

PRESENT CONSTITUTION

Article XI, Section 7. "The public free schools of the State shall be open to all children and youth between the ages of six and 21 years."

COMMENT:

Who defines "the full educational potential of each person"? What happens if someone considers that a child has reached his full potential and cannot learn any more, but the child is only 6 years old? Coupled with the fact that all child labor laws have been deleted from the proposed constitution, and all prohibitions against slavery have been deleted from the labor article and also from the declaration of rights section of the proposed constitution.

PRESENT CONSTITUTION

Article XI, Section 1. "It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free common schools."

COMMENT:

The proposed Constitution would allow for any and all such schools and other educational programs as the legislature might deem desirable. This would open the door for all of the Federal subsidized and matching funds programs available without your having any say in the matter. The phrase "Educational programs" could mean anything in the line of education, in the home, in the church, in the school or on the job training.

PRESENT CONSTITUTION

Nothing contained in the present constitution protects the cultural integrity of any race or religion.

COMMENT:

Why not mention the protection of the religious integrity; or the moral integrity of certain parochial, denominational schools? or the cultural integrity of the Irish or the Germans or any other sect of people? The very mention of one and not the others consists of a discriminational attitude.

PROPOSED CONSTITUTION

Article on labor has been completely deleted.

PROPOSED CONSTITUTION

This section has also been deleted.

PROPOSED CONSTITUTION

Article X, Section 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."

PROPOSED CONSTITUTION

Article X, Section 3. "The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions; public libraries and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system."

PROPOSED CONSTITUTION

Article X, Section 2. "The State recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity."

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CITIZENS FOR CONSTITUTIONAL REFORM

(ORGANIZED STATEWIDE)

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WATER RIGHTS EXPLAINED

PRESENT CONSTITUTION

Article III, Section 15. "The use of all water now 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. Private roads may be opened in the manner to be prescribed by law, but in every case the necessity of the road, and amount of all damage to be sustained by the opening thereof, shall be first determined by a jury, and such amount, together with the expenses of the proceeding shall be paid by the person being benefited."

PROPOSED CONSTITUTION

Article IX, Section 3. "All existing right to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed."

Article IX, Section 3, Sub. Sec. (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 lands 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."

Article IX, Section 3, Sub. Sec. 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."

Article IX, Sec. 3, Sub. Sec. (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."

COMMENTS:

The water rights of the present constitution have been tested and found sound in the courts of Montana. The State Supreme Court has ruled that: "The use of the waters in streams being declared by this section to be a public use, every citizen is entitled to divert and use them so long as he does not infringe the rights of some other citizen who has acquired a prior right by appropriation, on condition that he restore the waters to the channel of the stream on the cessation of his necessity."

Professor Bowman, head of the Agricultural Engineering Department, Montana State University, Bozeman, Montana, states: "Section 3, paragraph 3 is the most important paragraph of the proposed constitution. It is a declaration of state ownership of all waters within the boundaries of the state and the jurisdiction over those waters." See the Missoulian.

Professor Bowman also stated: "Section 3, paragraph 4 is very important. Montana under its present program, cannot meet its commitments on its interstate or international compacts." I might ask you, if we cannot meet such compacts couldn't it be possible that such compacts are unconstitutional? If they are not, then there is no reason why we cannot meet them under the present constitution.

As for the right. A right is only a right so long as it cannot be legislated away. If it can be legislated against, it is only a privilege. It is quite evident that such rights, as contained under the proposed constitution are only temporary. If the legislature controls the water right, as stated in Article IX, Sec. 3, Sub. Sec. (4) then you have no right. It is just that simple.

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CAPITAL PUNISHMENT

PRESENT CONSTITUTION

Article II, Section 21. "All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great."

PROPOSED CONSTITUTION

Retained as was in the present constitution.

COMMENTS:

Although the article has been retained as in the present constitution, there is a special chance for the voters to abolish the capital punishment on the ballot. If this is done by the voters on June 6, the following will be deleted from section 21 of article II: "except for capital offenses, when the proof is evident and the presumption great." Therefore we contend that all crimes will be bailable. This could mean that a killer could be bonded out immediately and go on killing some more. If any provision is made to interfere with the right to bond on crimes in general, it could be a very dangerous situation for the innocent.

CONCERNING GOVERNMENT DEBTS, SPENDING AND CREDIT

What does the old Constitution state?

PRESENT CONSTITUTION

Article XIII, Section 1. "Neither the State, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or a joint owner with any person, company or corporation, except as to such ownership as may accrue to the state by operation or provision of law."

Article XIII, Section 5. "No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five (5) per centum of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars (\$10,000) without the approval of a majority of the electors thereof, voting at an election to be provided by law."

COMMENTS:

Is the proposed constitution merely designed to cover up the, formerly, unconstitutional acts of the elected officials?
Is the proposed Constitution designed so as to allow for unlimited taxing, spending and power to incur debts without constitutional limitations?

What does the new Constitution state?

PROPOSED CONSTITUTION

Article VIII, Section 3. "The State shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law."

Article VIII, Section 8. "No state debt shall be created unless authorized by a two-thirds vote of the members of each house of the legislature or a majority of the electors voting thereon."

Article VIII, Section 10. "The legislature shall by law limit debts of counties, cities, towns, and all other local government entities."

Article VIII, Section 11. "All money borrowed by or on behalf of the government entity shall be used only for purposes specified in the authorizing law."

Article VIII, 14. "Except for interest on the public debt, no money shall be paid out of the treasury unless upon an appropriation made by law and a warrant drawn by the proper officer in pursuance thereof."

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CONCLUSIVE WARNING!

THE LATEST GIMMICK—A NEW U.S. CONSTITUTION!

With all the fanfare and publicity that the big tax-exempt foundations and other collectivist forces can muster, the American people are now going to be exposed to a flood of propoganda in favor of a new U.S. Constitution. While the Fund for the Republic and the Center for the Study of Democratic Institutions is drumming up support for this new Federal Charter, another group (also with backing of the Center for the Study of Democratic Institutions) is launching a grass roots movement to demand a prompt and decisive solution to all our problems. This second group is setting up several fronts, the most notable one being called, "COMMON CAUSE," led by John Gardner.

Mr. Gardner is a strongly entrenched collectivist of national prominence. He is the former president of the Carnegie Corporation and president of one of its foundations. He is a member of the COUNCIL ON FOREIGN RELATIONS (which is working for a Socialist United States and eventually a global government). In 1965, he was chairman of the White House Conference on Education which prepared the foundation for nationalizing American education. Later he became President Johnson's secretary of Health, Education and Welfare.

One needs to have nothing against Mr. Gardner personally in order to be vigorously opposed to what he represents. And what he represents are some passionate demands for "citizen involvement" in a massive drive to make the necessary changes so we can get our problems solved. Once again the solution is going to be either un-Constitutional shortcuts or scrapping the Constitution altogether. The proposed new Constitution for the United States, of which we have a copy, has all the ingredients for the one thing American Law Enforcement abhors — the use of police powers to achieve political ends. The new Constitution would not only nationalize the police but the whole nation.

STITUTIONAL GOVERNMENT

NIZED STATE-WIDE)

an Denton, Lolo, Montana, Chairman.

there? The group may be considering raising or lowering the price of a product. It is more likely, on the other hand, to be arguing over whether management should be asked to change the color and design of the drapes.

You go up to any desk at random, and what is happening? The man may be writing a business memo. He could also be calling his girl friend, taking a nap, or even selling Christmas cards or real estate on the side.

You go into the men's washroom, and what do you see? You see two office boys giving each other a haircut, three guys hiding out with hangovers.

Constitution May 'Star'

BILLINGS (AP) — A movie for worldwide distribution featuring Montana's constitution is planned by the United States Information Agency, if the document passes, according to Robert Kelleher, D-Billings.

Kelleher said he was told of the federal agency's plans by Paul Starzynski, project officer of the agency.

Kelleher said the film crew will begin in May and cover the state in a wide arc through Butte up to Kalispell, beginning in July.

The film will emphasize the role played by the news media in keeping citizens informed during the Constitutional Convention," Kelleher said.

He said the Montana film project is to be the kickoff for the International Bicentennial Celebration of American Independence in 1976.

"Frankly, we chose Montana for this project because it is the most beautiful piece of real estate in the United States and you happened to have a Constitutional Convention this year," Starzynski told Kelleher.

VIGOROUS SPORT

An hour of table tennis uses up about 360 calories.

HERE'S ONE REASON WHY GEORGE TURMAN

SUPPORTS THE PROPOSED CONSTITUTION



WORKED AND VOTED FOR

HEALTH

EDUCATION

CONSIDER HIS GOALS

RURAL & ECONOMIC DEVELOPMENT

CONSUMER PROTECTION

VOTE ARNOLD OLSEN FOR CONGRESS

DEMOCRAT

Save a

Another payday and bills to be paid.
But that's not all.

Payday is savings day. Your chance
to put money back to work for you.
Start today.



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SUPPORTS THE PROPOSED CONSTITUTION



The proposed 1972 constitution guarantees the peoples' rights to know what the government is doing and their right to participate in governmental decisions. The present 1889 constitution

CONSUMER PROTECTION

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Save a

Another payday and bills to be paid.
But that's not all.

Payday is savings day. Your chance
to put money back to work for you.
Start today.



WESTERN

Savings & Loan Association • 100 East

The Sunday Missoulian, June 3, 1972

VOTE
CONNORS
Republican
for
State
Treasurer

- Lawyer
- Business
- Woman



(Pol. Adv. Paid for by Connors for State Treasurer Club, B. Delaney, Secy., Townsend)

Vote for
MARGIE
McRAE

for
STATE
LEGISLATURE
Democrat



pol. adv. paid for by Margie McRae

Candidates

S

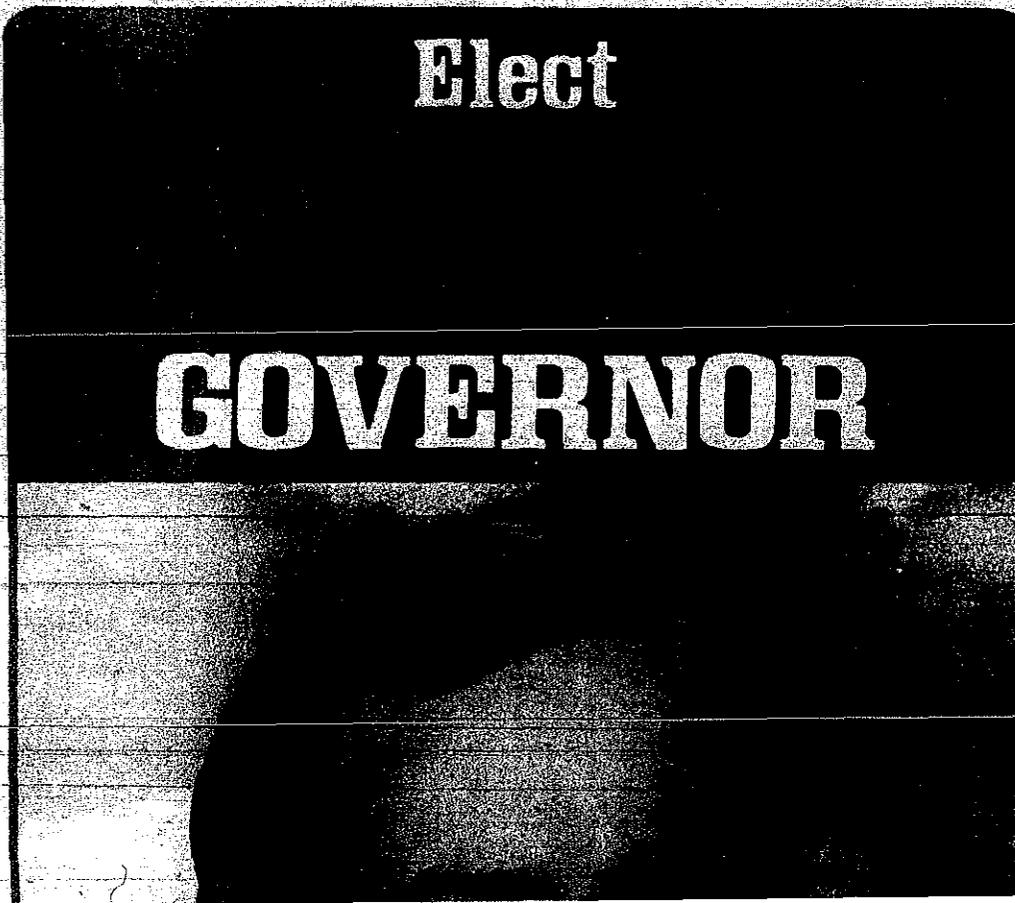
DAGMAR (can gubernator Smith. Dagmar day his list of tributors, at charging other "lack of candor because they h el-with-the vot Smith, who r when he filed list, showed \$9,958.07 from He said the utors were his ers in the Da gave \$1,000 eac George and Reserve and li they were showi utors. "Giving \$260"

Falls P Call fo Airpor

GREAT FAI for the constri terminal at Gr are expected to mid-June, with begin Aug., sa mission Chairm He said the opened July 4. The award said Connelly, whether the pla \$63,955 in reve through. The nancial consult uted to distribut pectus June-1 opening on th pected July 27. Architect Da told the commi to have the pl minal complete The cost of expected to be proval of the p eral Aviation A required before gins. The main run extended from feet.

Elect

GOVERNOR



PIECE OI
The Spanish n piece of eight, money in the / nies and continu in the U.S. will

Candidate Criticizes Rivals

Smith Updates List of Donors

DAGMAR (AP) — Republican gubernatorial candidate Ed Smith, Dagmar, updated Saturday his list of campaign contributors, at the same time charging other candidates with "lack of candor and good faith because they have failed to level with the voters."

Smith, who made public a list when he filed, said his second list showed \$24,626.22, up \$9,958.07 from the first list.

He said the largest contributors were his sons, both farmers in the Dagmar area, who gave \$1,000 each last month.

George and Hertha Lund of Reserve and Ing Svarre of Sidney were shown as \$250 contributors.

Giving \$200 each were John

J. Vujovich of Cameron, Loren J. O'Toole of Plentywood and John H. Anderson, Alder. Cleon B. Graves, Roundup, contributed \$150.

Shown as \$100 contributors were Andrew B. Kelly, Cameron; David Beardsley, Bozeman; Huntley Child Jr., Billings; Charles McRae and Floyd Isaac, no address given; Russell Scott, Wolf Point; Ger-

ald Gibbs, Jordan; Robert Simkins, Bozeman; Patrick J. McDonough, Billings; Ronald K. Torgerson, Sidney;

Glenn Miller and R. L. Johnson, both of Plentywood; Edward Angevick, Medicine Lake; J. B. Wallander, Froid; Les Williamson, Plentywood; Louie Perry, Malta; D.D. Davis, Townsend; Riley W. Childers, Great Falls; Dr. Bernard J.

Winter, Kalispell; Horace Koesster, Missoula; Eldon F. Kemmis, Sidney, and Margaret R. West, Victor.

He also listed all others contributing smaller amounts.

"It can be significant who is giving \$99 or \$75 or \$50, and I cannot understand why a candidate should be ashamed of or secretive about any contribution," Smith said.

OF
ME
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c. M. Roe

Falls Plans Call for Airport Bids

GREAT FALLS (AP) — Bids for the construction of a new terminal at Great Falls Airport are expected to be called for by mid-June, with construction to begin Aug., said Airport Commission Chairman Jim Connelly.

He said the bids would be opened July 4. The award of the contract, said Connelly, will depend on whether the planned sale of \$5,863,955 in revenue bonds goes through. The commission's financial consultants are scheduled to distribute the bond prospectus June 10 and the bid opening on the bonds is expected July 27.

Architect David Davidson has told the commission he expects to have the plans for the terminal completed by June 17.

The cost of the terminal is expected to be \$3,251,100. Approval of the plan by the Federal Aviation Administration is required before construction begins.

The main runway will also be extended, from 9,000 to 10,500 feet.

PIECE OF EIGHT

The Spanish milled dollar, or piece of eight, was standard money in the American colonies and continued to circulate in the U.S. with official sanction until 1857.

CITIZENS OF THE SOVEREIGN STATE OF MONTANA

DID YOU KNOW

AN EFFORT WAS MADE BY CONCERNED MONTANA CITIZENS TO SHOW A COMPARISON BETWEEN THE PROPOSED CONSTITUTION AND OUR PRESENT CONSTITUTION. THE PROPOSED CONSTITUTION, EXCEPT FOR SOME VERY LIMITED AREAS, IS COMPLETELY ALIEN IN BOTH SUBJECT MATTER AND SPIRIT TO OUR PRESENT CONSTITUTION. NO COMPARISON COULD EVEN BE MADE BECAUSE OF THIS ALIEN NATURE. IT HAS BEEN FOUND TO BE AMBIGUOUS IN MANY AREAS AND COULD, IF PASSED, PLACE THE PEOPLE OF MONTANA UNDER A STATE OLIGARCHY. IF EVERYTHING IS TO BE SO GEARED TOWARD EXPEDIENCY AND EFFICIENCY THAT WE FORGET THE VOICE OF THE CITIZENS THEN CHAOS COULD ENSUE. IF INDIVIDUALITY AND AGENCY IS LOST BY ANY PERSON IN ANY DEGREE, THEN INDEED THE VERY FOUNDATION OF OUR CONSTITUTIONAL GOVERNMENT IS WEAKENED. THE PROPOSED CONSTITUTION PASSED, WOULD REMOVE ALL LIMITS OR CEILINGS ON TAXATION; CREATING A CONDITION OF TAXATION WITHOUT REPRESENTATION. RIGHTS WILL BE CAST ASIDE AND CHANGES WILL BE MADE WITHOUT REGARD FOR YOU OR YOUR CHILDREN. FROM THE DECLARATION OF INDEPENDENCE WE READ: "PRUDENCE INDEED, WILL DICTATE THAT GOVERNMENTS LONG ESTABLISHED SHOULD NOT BE CHANGED FOR LIGHT AND TRANSIENT CAUSES." VOTE FOR YOUR PRESENT CONSTITUTION. IF YOU DESIRE FURTHER LIGHT AND KNOWLEDGE ON THE PROPOSED CONSTITUTIONAL OLIGARCHY, WRITE: Larry McCurdy, P.O. Box 347, Hamilton, Montana.

Paid for by Friends of the Constitution.

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ARM

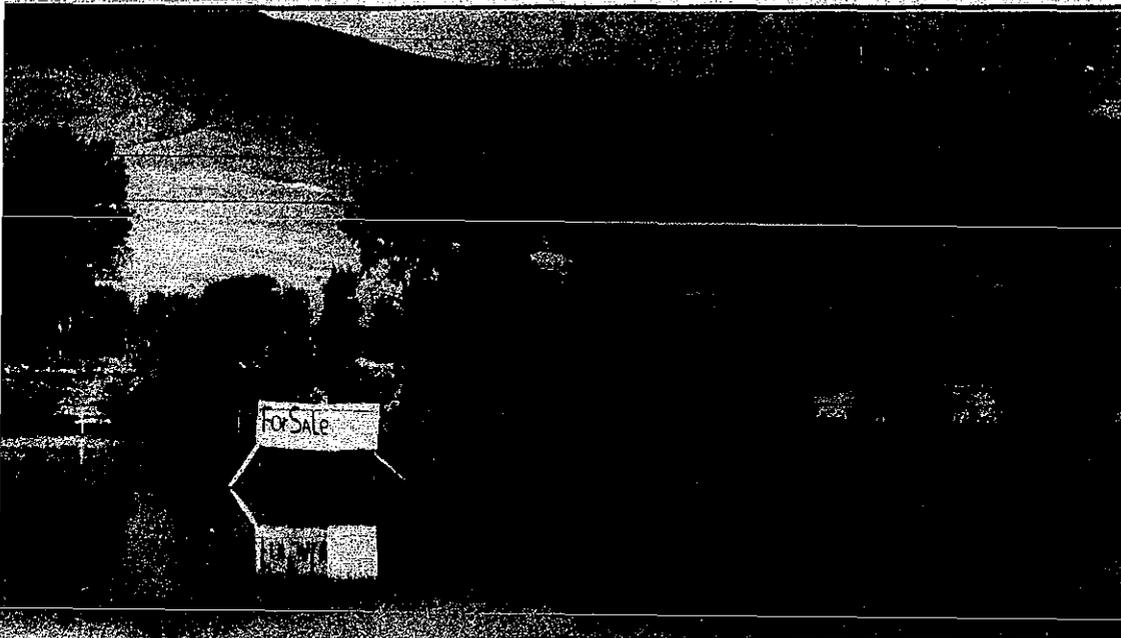
ay with increas- Monday night. firm with the high Monday and Tues- 85; low Monday i. Chance of rain onday and 20 per

The Missouli

Missoula, Montana, Monday, June 5, 1972

SINGLE COPY 10c Carrier Delivery Price Is Lower

ngela Davis Is Foun



UR OWN BOAT — The sign doesn't say so, but buyers for this submerged property north of do well to bring their own boats if they wish an on-the-spot investigation. The present owner

isn't trying to sell the water which is part of the spillover from the nearby Bitterroot River. (Staff Photo by Bob Cushman)

By LI Assoc. SAN JO all-white- tant Ang Sunday--o spiracy of an ovatic plause in. "Power to the ju attorney. Jurors v Davis' cl the court their ver hours of week-lon Two woman a were wi eyes as t MISS I hugged Kendra to her, spectato arms ar lye Davi fendant ther- bre The 28 Commur former l er, had years of a 1970 M escape died. Sh in jail v was fre the case She v scene o tained i "totally "The charged Court J son. "T ated." "The JJ pants; ai of this- walk th

Warplanes Bomb Haiphong Fuel Station

American ing video and bs left a major station on the hong in flames other section of all line linking ia, U.S. spokes- Sunday. n claimed that

There was no comment from the U.S. Command on the North Vietnamese charges. U.S. Navy pilots from the carrier Kitty Hawk said they destroyed three fuel storage tanks in strikes Saturday against the Haiphong petroleum pumping station four miles north of the port city.

southward to sustain the offen- sive.

Overcast skies cut heavily into U.S. air strikes across South Vietnam, cutting them to fewer than 200 from a daily average of nearly 400 during clear weather.

Thunderbird Pilot Killed in Chute

By VERN HAUGLAND AP Aviation Writer

WASHINGTON (AP) — An Air Force Thunderbird-jet pilot was killed Sunday during a precision flying exhibition at Transpo 72 even though he parachuted from his plane just before it crashed and exploded.

Officials identified the pilot as Maj. Joe Howard, 32, of Ahoskie, N.C., a decorated vet-

eran of 322 combat missions in Southeast Asia.

The accident occurred on the last day of the huge transportation exhibition at Dulles International Airport. It was the third fatal accident to mar the exhibit.

Sunday's accident occurred before tens of thousands of spectators watching the five Thunderbird jets perform.

The plane, a Phantom 2F4E, appeared to stop in midair, and

Low C

U.S. Warplanes Bomb Haiphong Fuel Station

SAIGON (AP) — American warplanes dropping video and laser-guided bombs left a major fuel distribution station on the outskirts of Haiphong in flames and wrecked another section of the northeast rail line linking Hanoi with China, U.S. spokesmen announced Sunday.

North Vietnam claimed that one American plane was shot down in the raids near the Chinese border, but there were no immediate reports of any losses over the North by the U.S. Command.

The command reported, however, that a U.S. Marine F4 fighter-bomber was lost from unknown causes on a mission in support of South Vietnamese troops encircled by Communist forces at the district town of Phu My on the central coast of South Vietnam. The two crewmen were killed, the command said.

The North Vietnamese Foreign Ministry issued a statement charging that U.S. aircraft "continued to mine and blockade" North Vietnamese ports and "savagely" bombed Haiphong port and other areas Saturday.

There was no comment from the U.S. Command on the North Vietnamese charges.

U.S. Navy pilots from the carrier Kitty Hawk said they destroyed three fuel storage tanks in strikes Saturday against the Haiphong petroleum pumping station four miles north of the port city.

Air Force F4 Phantoms using electronically guided bombs attacked the 100-mile northeast railroad line midway between Hanoi and China, a source of supply for North Vietnam.

The raids against the Haiphong petroleum pumping station and the northeast railroad were among more than 250 tactical air strikes carried out by Air Force, Navy and Marine jets across North Vietnam. The U.S. Command in Saigon said 16 bridges, 59 surface craft and 38 supply buildings were destroyed or damaged.

The aim of the U.S. bombing campaign ordered by President Nixon is to destroy installations in North Vietnam supporting the enemy offensive in South Vietnam, and to wreck the supply and transportation network over which war materials flow

southward to sustain the offensive.

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Sunday's accident before tens of spectators watching Thunderbird jets

The plane, a P-7F, appeared to stop then with a wall rolled to the left. It did not appear to open immediately, but opened to the port side, observers said. "A good chute."

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On Saturday, a small racing plane after his craft alighted during an last Monday, a death after losing kite which was by an automobile

Insight and Inside



Nixon Called Tool of Leftist Conspiracy Page 12

Mahoney Defends Trio of Dissenters Page 8

Fight Developing Over Minimum Wage Page 3

Environmental Conference Opens Today Page 18

Article on Legislature Ma

By DENNIS E. CURRAN
Missoulian State Bureau

HELENA — Montana's legislature has a problem.

Mistrusted and sometimes ridiculed by many of the people it represents, the legislature suffers from a bad image and doesn't always function as well as many would like.

The new constitution would try to change that.

Of all the changes in the proposed document, those affecting the legislature are the most numerous and significant.

The legislature itself would be "modernized," and many restrictions on its operation would be lifted, giving the lawmakers broad new powers and responsibilities.

The unshackling of the legislature is hailed by many as the greatest improvement of the proposed constitution and by many others as its worst feature.

It's really a question of faith. Some think an unrestricted legislature would be more accountable to the people and their needs, while others, sharing some of the same distrust of the framers of the 1889 constitution, believe limits on the legislature are necessary to protect the people.

The most dramatic change, of course, would be the substitution of a unicameral (one-house) legislature for the present bicameral (two-house) system if the voters so choose in a ballot side issue.

But with either one house or two, a most significant would be annual meetings of the legislature. The present constitution provides that the legislature meet once every two years for 60 days; the new constitution calls for annual 60-day sessions.

Moreover, those 60 days would not have to be consecutive and could be extended by future legislatures. The legislature as well as the governor could call special sessions.

The net effect: The legislature would be in session more often, much to the horror of

those who foresee doubled costs and pa of unneeded laws and much to the delight of those who believe the legislature would better job if it had more time more often.

The new constitution would omit legislative rules like requiring that amendments be

News Analysis

the entire law being amended, that all bills originate in the lower house, that committee consider each bill and that all be signed in public.

Some of the restrictions would be cut but most would be left either to legislative rules or statutory law in the belief that don't belong in the constitution. However, some critics warn that removing restrictions could be a grave mistake.

Other changes throughout the proposed constitution also would greatly increase legislature's power — most notably in the area of taxation.

Most of the objections raised over the

ed in Chute

UGLAND
a Writer

(AP) — An airbird-jet pilot during a pre-exhibition at n though he his plane just and exploded. fied the pilot ward, 32, of decorated vet-

eran of 322 combat missions in Southeast Asia.

The accident occurred on the last day of the huge transportation exhibition at Dulles International Airport. It was the third fatal accident to mar the exhibit.

Sunday's accident occurred before tens of thousands of spectators watching the five Thunderbird jets perform.

The plane, a Phantom 2F4E, appeared to stop in midair, and then with a wallowing motion, rolled to the left. The parachute did not appear to blossom immediately, but eventually it opened to the point that military observers said "he had a good chute."

The aircraft drifted, then fell and exploded in a huge fireball.

Helicopters searched for several minutes before locating the pilot, and then rushed him to an emergency hospital installation at the airport where he was pronounced dead.

On Saturday, the pilot of a small racing plane was killed after his craft and another collided during an air race. And last Monday, a man fell to his death after losing control of his kite which was being launched by an automobile.

Easy Scan and Print

scene of the crime and maintained throughout that she was "totally innocent."

"The defendant will be discharged," announced Superior Court Judge Richard E. Arnason. "The bail will be exonerated."

The judge praised all participants and said that as a result of this trial, "all of us who walk the streets of our society



Angela Davis

convict-actor George Jackson, conspired with his younger brother Jonathan, 17, to free George from prison.

The plot, said Harris, was to invade the Marin County courthouse, take hostages and exchange them for George, one of the celebrated "Soledad Brothers," three unrelated black convicts who had become folk heroes of the black movement.

Lowland Residents Work

Clark Fork and Bitterroot Levels Decline Slightly

Rivers in the Missoula vicinity receded slightly Sunday.

The water level at the Milltown gauging station showed the Clark Fork River dropped from 11.9 feet Saturday to 11.6 Sunday — still six-tenths of a foot over flood stage.

The Bitterroot River dropped from 11.2 Saturday to 10.9 Sunday. Vern Cook of the Missoula Flood Relief Center said the rivers are expected to hold at this high level.

Missoula County Surveyor, Elmer Frame, said the water is down and "we've got some roads to repair now."

The U.S. Army Corps of

Engineers completed diking efforts Sunday and began waiting and watching. The engineers have placed about 2,000 cubic yards of rock and fill along the Clark Fork and Bitterroot rivers and stockpiled about 30,000 sandbags.

Although the rivers have receded slightly and are expected to level off, some damage continues to be reported.

A 50-foot slice of river bank was washed away on the Bitterroot near Charles Heights about eight miles north of Hamilton, letting the water rush over the land.

Mr. and Mrs. Fritz Bell, who live in the area, had to haul rock all night Saturday and part of Sunday to save their home.

Between 20 and 25 bridges spanning county and state secondary roads in Ravalli County are threatened by the fast-flowing waters of the Bitterroot River and its tributaries.

County road officials said shoring operations were carried out Sunday at sites between the Bitterroot Range and the Sapphire Mountains. Erosion from the past week of snow runoff has endangered both concrete and wooden spans, according to a spokesman.

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News Analysis

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lost of the objections raised over the tax-

ation article really boil down to a fear of the legislature.

Removal of the two-mill limit on statewide property taxes would allow the legislature to levy property taxes without a vote of the people, just as it now can levy income or sales taxes without vote of the people.

The new highway antidiversion section would earmark highway revenues for highway uses but would allow the legislature to override that earmark.

State and local debt limits, tax exemptions, methods of tax assessment, taxation in general — all would be left to the legislature.

The restrictions would be fewer and the visible power greater (though in actual practice the legislature wields much of that power now).

Throughout the proposed constitution the legislature also would be directed to implement the broad fundamental statements, just as it implements the fundamentals of the present constitution. For example, the new environmental protection provisions must be

implemented by the legislature if they are to be effective.

To counter the increased power of the legislature, the proposed constitution would try to give the people increased power, too.

All meetings of the legislature would be open, all votes would be recorded, and each legislator would come from a single-member district — in the hope that by being visible legislators would be forced to do what the people want.

The new document would declare a public right to know what government is doing and a right to participate in the deliberations, and the people's power of initiative and referendum would be made easier to use.

But those safeguards are not enough for some Montanans. Some wonder whether the legislature would really be any better under the new constitution, and some think it definitely would be worse.

It's a question of faith which will be

(Turn to Page 2, Col. 1)

France and the Soviet Union signed a final Berlin protocol here.

The detailed accords worked out by East and West Germany make life easier for West Berlin's 2.2 million people while the East German population of 17 million remains rigidly walled in.

West Berliners now can apply for up to 30 visiting days a year in East Berlin or East Germany. But East German officials manning the two pass offices Sunday refused to issue wall passes except in hardship cases.

Transit-traffic restrictions also have been eased under the agreement. But the East Germans demonstrated they still maintained the right to turn back, search or redirect anyone for whatever reason they chose.

One of the most dramatic changeovers was the speedy ex-

HELENA (AP) — Eight died in Montana traffic accidents this weekend, driving the toll of lives lost on state roads to 132 for this year.

Three separate head-on collisions claimed the lives of a Glendive woman and her daughter and four men from Calgary, Alta. Two lone-car accidents took the lives of a Billings man and a Circle teen-age girl.

Robert Blechschmidt, about 36, of Billings, was killed Saturday in an accident east of Columbus on U.S. 10. Authorities said the car apparently left the road on a straight stretch of highway.

Barbara Malarchick, 41, and her daughter Mary, 7, were killed Sunday when their small car slammed into a semi tanker west of Glendive on Mont. 200. The truck driver, Kenneth

Mitchell, also of Glendive, was not hurt, the Dawson County sheriff said. Mrs. Malarchick had only the week before graduated from Dawson Community College.

Saturday, two separate accidents, took the lives of four Canadians. A car truck collision north of Butte on U.S. 91 took the lives of Gary Sararas, 21, David T. Gardipie, 24, and George F. McKay, 22. Authorities said their car was split in two on the impact with the grocery truck.

A three-car crash north of Helena killed William Truesdell, 34, also of Calgary. His wife was not seriously hurt in the collision and other principals in the accident on Interstate 15 emerged unscathed. Lewis and Clark County Sheriff Dave Middlemas said.

Friday evening, Darla Mae Arthur, 16, was killed when the car she was riding in went out of control and rolled over, throwing her from the vehicle.

Last year on this date 93 had died on state roads.

FORECAST

Figures Show High Temperatures Expected For Daytime Monday

Isolated Precipitation Not Indicated—Consult Loc

FAIR WEATHER will prevail over most of the state. High temperatures will be low. Lakes region and parts of Florida and the Gulf Coast will be in the low 40s.

Weather Part

Little change is expected in the local weather pattern as high pressure at the surface and aloft continues to hold over the western portion of Montana. National Weather Service officials said Sunday night.

Increasing moisture aloft now moving inland over California and Oregon will bring a threat of thundershowers to southwestern Montana late Monday night and over the

Missoula area by Tuesday.

The highest temperature for the nation Sunday was 32 at Blythe, Calif., and 32 at Whitehall, Mont.

Record temperatures for the week are a high of 92 in Los Angeles and 83 in Phoenix, Ariz. Sunday's low of 34 in 1893 was set at Sunset, Mont. Monday will be in the 40s and Tuesday 5-43.

Council Endorses 1972 Constitution

The Missoula County Trades and Labor Council has endorsed the proposed state constitution, according to James Jakobson, president.

He cited the following reasons for the council's endorsement:

— For the first time constitutional amendments can be made by petition. This keeps the legislature responsive and responsible to the people.

— Single member districts and open meetings and recorded votes at all stages of legislative procedure will force accountability to the people.

— The office of consumer counsel will defend the public interest.

— The uniform state-administered assessment of property will ensure greater equity and fairness in taxes. At present some large corporations such as the Anaconda Co. and the Burlington Northern have large land holdings and are assessed less than 25 per cent for taxes.

— Under the present constitution there is no real guarantee for a veterans home. The veteran's home was not constructed until six years after the constitution was ratified. The legislature made the home a reality. The proposed constitution will guarantee that Montana has a veterans home and funds to keep it operating.

Article on Legislature

(Continued From Page One)

answered when the Tuesday's results are in.

Other significant changes in the proposed constitution would include changes in the justice courts, merit retention elections for unopposed judges, governor and lieutenant governor teams, deletion of the state treasurer from the constitution, new self-government powers for local government and local government review elections, separate boards of education for higher and lower education, consumer protection provisions, easier constitutional amendment, and added rights like privacy and nondiscrimination.

WARMTH IS THE



Dry Day

Bars, taverns and liquor stores will be closed from 8 a.m. to 8 p.m. Tuesday, election day.

Man Found Dead in Car

An unidentified man, believed to be from the Seattle area, was found dead Sunday in his car about 15 miles east of Missoula on Highway 200.

The Missoula County sheriff's office said the man died of apparent asphyxiation. A flex hose ran from the exhaust of the vehicle through the trunk, and into the car.

The man was found at about 10:30 a.m. by members of the National Guard who are patrolling the Blackfoot River.

DEATH

Clarence "Buck" Fuller, 78, 1021 Burton St., Livingston & Malletta Funeral Home.

Vernon Jenkins

CORVALLIS — Funeral services for Vernon E. Jenkins, 76, who died Saturday in Wyoming, will be Wednesday at 2 p.m. in the Dowling Chapel with the Elder Ray L. Badgley officiating. Burial will be in Corvallis Cemetery.

Mr. Jenkins was born in 1895 in Kansas and moved to the Bitterroot in 1908. His family

Agen Disputes Taxation Claim

Jerry L. Agen, Republican candidate for state superintendent of public instruction, said Sunday the statewide property tax in the proposed constitution is not a "tax for education."

Responding to a letter from John Barlett, chairman of the Montana Democratic Central Committee, to 4,000 Democrats in Montana, Agen said the monies raised by such a tax could be "used as the legislature sees fit."

Agen also challenged Superintendent of Public Instruction Delores Colburg's

statement that such districts in the state. He said for most districts, the relief "slight" while for some be a "restriction local economic development."

It is premature, Agen, to offer prop for a statewide pro replace county levies schools.

He said "such a premature not only conditioned upon the constitution, but is also based on the that the United States Court will uphold the Supreme Court's Seranno vs. Priest."

Agen continued to port for a plan that the function and ac structure of the educational office.

To provide service districts of the state decentralize the state reducing the number of members of the I and create through regional offices, pro number, located on population and isolation from Heler

Candidates Fail to Get Questions

Two candidates say they did not receive questions on environmental issues which were the basis of a story in The Sunday Missoulian.

The story said several congressional and senatorial candidates did not respond to the questions.

Harold E. "Bud" Wallace, Republican candidate for the U.S. Senate, said he did not receive the questions. He said he would have been glad to respond.

Republican congressional candidate Kay Thompson also said she did not receive the

Clarence Fuller

Clarence E. Fuller, 78, 1021 Burton St., died Saturday night.

He was born June

East Germans Remain Behind Berlin Wall

BERLIN (AP) — The Berlin agreement easing access to West Berlin and making it possible for West Berliners to visit the East took effect Sunday. But snarls developed almost immediately, and East Germany began building a new stretch of The Wall.

The agreement became effective at midnight, 12 hours after the United States, Britain, France and the Soviet Union signed a final Berlin protocol here.

The detailed accords worked out by East and West Germany make life easier for West Berlin's 2.2 million people while the East German population of 17 million remains rigidly walled in.

West Berliners now can apply for up to 30 visiting days a year in East Berlin or East Germany. But East German officials manning the two pass offices Sunday refused to issue wall passes except in hardship cases.

Transit traffic restrictions also have been eased under the agreement. But the East Germans demonstrated they still maintained the right to turn back, search or redirect anyone for whatever reason they chose.

One of the most dramatic changeovers was the speedy ex-

change of bits of territory, giving West Berlin enclaves inside East Germany for the first time.

The village of Steinstuecken

previously was isolated from West Berlin six-tenths of a mile away. Its 200 inhabitants used a special road controlled by East German guards.

Weekend Traffic Toll Now Eight

HELENA (AP) — Eight died in Montana traffic accidents this weekend, driving the toll of lives lost on state roads to 132 for this year.

Three separate head-on collisions claimed the lives of a Glendive woman and her daughter and four men from Calgary, Alta. Two lone-car accidents took the lives of a Billings man and a Circle teen-age girl.

Robert Bierschmidt, about 36, of Billings, was killed Saturday in an accident east of Columbus on U.S. 10. Authorities said the car apparently left the road on a straight stretch of highway.

Barbara Malarchick, 41, and her daughter Mary, 7, were killed Sunday when their small car slammed into a semi tanker west of Glendive on Mont. 200. The truck driver, Kenneth

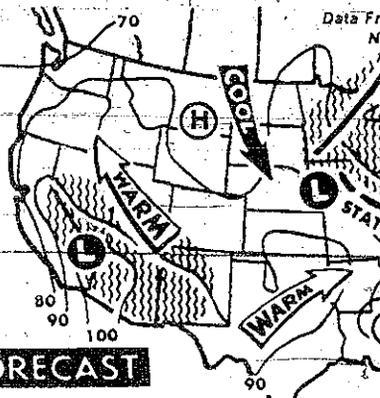
Mitchell, also of Glendive, was not hurt, the Dawson County sheriff said. Mrs. Malarchick had only the week before graduated from Dawson Community College.

Saturday, two separate accidents, took the lives of four Canadians. A car truck collision north of Butte on U.S. 91 took the lives of Gary Sararas, 21, David T. Gardippie, 24, and George F. McKay, 22. Authorities said their car was split in two on the impact with the grocery truck.

A three-car crash north of Helena killed William Truedell, 34, also of Calgary. His wife was not seriously hurt in the collision and other principals in the accident on Interstate 15 emerged unscathed, Lewis and Clark County Sheriff Dave Middlemas said.

Friday evening, Darla Mae Arthur, 16, was killed when the car she was riding in went out of control and rolled over, throwing her from the vehicle.

Last year on this date 93 had died on state roads.



Figures Show High Temperatures Expected For Daytime Monday

Isolated Precipitation Not Indicated—Consult Local

FAIR WEATHER will prevail over most of the most part temperatures will be low. Sh Lakes region and parts of Florida and the I fax)

Weather Pattern

Little change is expected in the local weather pattern as high pressure at the surface and aloft continues to hold over the western portion of Montana. National Weather Service officials said Sunday night.

Increasing moisture aloft now moving inland over California and Oregon will bring a threat of thunderstorms to southwestern Montana late Monday night and over the

Missoula area by Tuesday said.

The highest temperature the nation Sunday was Blythe, Calif., and the was 32 at Whitehall, Mo high was 83 at Havre.

Record temperatures 15 are a high of 92 in 195 low of 34 in 1893 an Sunset Monday will be, and sunrise Tuesday will 5:43.

Council Endorses 1972 Constitution

The Missoula County Trades and Labor Council has endorsed the proposed state constitution, according to James Jakobson, president.

He cited the following reasons for the council's endorsement:

For the first time constitutional amendments can be made by petition. This keeps the legislature responsive and responsible to the people.

Single member districts and open meetings and recorded votes at all stages of legislative procedure will force accountability to the people.

The office of consumer counsel will defend the public interest.

The uniform state-administered assessment of property will ensure greater equity and fairness in taxes. At present some large corporations such as the Anaconda Co. and the Burlington Northern have large land holdings and are assessed less than 25 per cent for taxes.

Under the present constitution there is no real guarantee for a veterans home. The veteran's home was not constructed until six years after the constitution was ratified. The legislature made the home a reality. The proposed constitution will guarantee that Montana has a veterans home and funds to keep it operating.

Article on Legislature

Dry Day

Bars, taverns and liquor stores will be closed from 8 a.m. to 8 p.m. Tuesday, election day.

Man Found Dead in Car

An unidentified man, believed to be from the Seattle area, was found dead Sunday in his car about 15 miles east of Missoula on Highway 200.

The Missoula County sheriff's office said the man died of apparent asphyxiation. A flex hose ran from the exhaust of the vehicle through the trunk, and into the car.

The man was found at about 10 p.m. by members of the

Agen Disputes Taxation Claims

Jerry L. Agen, Republican candidate for state superintendent of public instruction, said Sunday the statewide property tax in the proposed constitution is not a "tax for education."

Responding to a letter from John Barlett, chairman of the Montana Democratic Central Committee, to 4,000 Democrats in Montana, Agen said the monies raised by such a tax could be "used as the legislature sees fit."

Agen also challenged Superintendent of Public Instruction Delores Colburg's

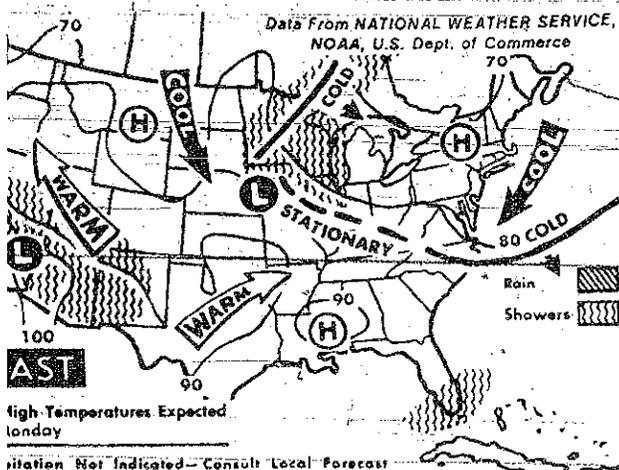
statement that such a tax offer 80 per cent of the districts in the state to He said for most of the districts, the relief would be "slight" while for other be a "restriction upon local-economic develop

It is premature, according to Agen, to offer proposals for a statewide property tax to replace county levies for schools.

He said such proposals are premature not only because they are conditioned upon the passage of the constitution, but because they are also based on the assumption that the United States Supreme Court will uphold the Court's decision in *Serrano vs. Priest*.

Candidates

Fail to Get



ATHER will prevail over most of the country Monday, but for part temperatures will be low. Showers are likely in the Upper on and parts of Florida and the Pacific Southwest. (AP Photo-

Weather Pattern Stable

is expected in er pattern as the surface and hold over the of Montana. er Service of y night.

sture aloft now ver California bring a threat h-o-w-e-r-s-to Montana late and over the

Missoula area by Tuesday, they said. The highest temperature in the nation Sunday was 106 at Blythe, Calif., and the lowest was 32 at Whitehall. Montana's high was 83 at Havre.

Record temperatures for June 5 are a high of 92 in 1957 and a low of 34 in 1893 and 1911. Sunset Monday will be at 9:26 and sunrise Tuesday will be at 5:43.

West of the Divide: Fair through Tuesday. Scattered thunderstorms south Tuesday afternoon. No important temperature change. Nighttime lows of 35 to 45. Highs both days 75 to 85.

East of the Divide: Fair through Tuesday. Chance of a few thunderstorms southwest Tuesday afternoon. Little temperature change. Lows at night 45 to 55. Highs both days 75 to 85.

YESTERDAY IN MISSOULA
Maximum . 80 Minimum . 48
At 6 a.m. . 52 At 6 p.m. . 77
At 10 p.m. 63

YESTERDAY ELSEWHERE

City	High	Low	Pcp.
Belgrade	73	47	
Billings	78	57	
Broadus	80	57	
Butte	73	39	
Cut Bank	76	50	
Dillon	76	43	
Drummond	78	47	
Glasgow	80	60	.82
Great Falls	79	51	
Hamilton	76	47	
Havre	83	52	.02
Kalispell	77	47	
Helena	77	47	
Lewistown	74	47	.17
Livingston	72	51	
Miles City	80	63	
Thompson Falls	75	47	
Whitehall	80	32	
Chicago	86	60	
Denver	83	54	.07
Fairbanks	55	42	
Los Angeles	81	65	

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He said "such proposals are premature not only because it is conditioned upon the passage of the constitution, but because it is also based on the assumption that the United States Supreme Court will uphold the California Supreme Court's decision in Seranno vs. Priest."

Agen continued to seek sup-

idates
o Get

Mahoney Defends Dissenting Trio

HELENA (AP) — Charles H. Mahoney, I-Clancy, Sunday took issue with a critic of delegate-opponents to the proposed constitution, saying "the right of dissent is one of the greatest privileges in the U.S. and in the state of Montana."

Mahoney took issue with statements made last week by Mae Nan Robinson, R-Missoula, the youngest delegate to the Constitutional Convention, when she criticized three delegates who have voiced opposition to the document they helped write.

Mrs. Robinson accused delegates Lloyd Barnard, D-Saco, Douglas Delaney, D-Grass Range, and R.S. Hanson, I-Ronan of being "rather shallow, indecisive men whom I would hate to have represent me as public officials."

"It seems there is more than meets the eye in their so-called opposition to the constitution," she added.

Mahoney, who said he is angered by current efforts by some delegates to "sell" the document, retorted that when "any of the delegates to the Constitutional Convention decides that the proposed constitution is not in the best interest of the state of Montana as they see it, they do not deserve such criticism."

"It sure hurts me to have some of our delegates make statements attacking the ability or integrity of any other delegates," he said. "Any delegate who has decided to oppose the constitution has that right and I will defend that right."

He defended the three delegate-critics of the document, calling the remarks against them "unjust."

"I surely hope under our new constitution that the right to dissent will be protected and defended," he said.

Youths Convene

By THE ASSOCIATED PRESS
From throughout Montana, high school girls converged on Helena and boys on Dillon Sunday to begin the annual Boys and Girls State meetings.

The youngsters will spend one full week learning about the workings of government and will elect their own state of state officers and ballot on the proposed constitution.

Monday, the boys organize two political parties, the Frontier and the Pioneer, and elect city officials.

The girls, in Helena, vote on the proposed constitution Monday.

Re-elect
Harry T. NORTHY
State Senator
Republican
Pol. adv. paid for by
Harry T. Northey

Meadow Gold is
Golden Vanilla
ICE CREAM

AT YOUR
GROCER'S
from
Meadow Gold
in Missoula

EDITORIAL PAGE — Editorials, Letters, Opinion

A Good Service

One solid generalization can be made about the 1972 Montana Constitution: Not one single citizen likes every single bit of it.

It is either too radical here or too conservative there. It either does the wrong thing here or fails to correct an existing wrong thing there.

But the 1972 constitution, weighed in balance with the 1889 constitution, is far better.

Essentially that is the choice put to Montana voters tomorrow: Do they want to reject a new but imperfect constitution in favor of keeping the old constitution, whose enormous imperfections are well known through experience?

In November of 1970, by a vote of 133,482 to 71,643, Montanans overwhelmingly acknowledged that the 1889 constitution badly needed overhauling. They clearly stated that most Montanans do not believe that the old constitution meets Montana's modern needs.

The 100 convention delegates who met last January to draft a new constitution represented every area, every basic political viewpoint, every special interest in the state.

They reached out to the people of the state, seeking the people's views. They invited the people to watch their every move. They welcomed the people's participation in every step of the drafting process.

The ferment that went on during the convention was often abrasive and controversial. The debate was sometimes hot and acrimonious. Toes were unnecessarily stepped on and enemies were made.

It was a confusing and very complicated process. But in the end the convention produced a new constitution drafted by Montanans representing Montanans, and the new constitution was fitted to Montana.

One of the most attractive things about the new constitution is its built-in provision making it easier for the people to bring about change. If most people don't like a part of the new constitution, they can more easily correct it than formerly. If they wish to add to the constitution, they can more easily do so.

It is a flexible document, suited to modern times. It is the kind of constitution a state needs to govern itself well, and thus prevent forfeiture of state power by default to the federal government, which operates under the very short and flexible Constitution of the United States.

If the 1972 constitution fails, a generation or more will pass before another chance will come to update Montana's basic legal document.

Tomorrow Montanans are faced with a rare opportunity to improve their ability to govern themselves well. A "yes" vote for the new constitution will be a good service to Montana and its people.

LETTERS

A King?

Under the 1972 model constitution, Article XI, sections 2, 3, and 5, it would be conceivable that the voters, under pressure from the news media, could vote out all existing county boundaries and have just one main state division. A simple majority of those voting, could appoint or vote themselves a "King" if they desired. They would be the only King in all the 50 states. Is this progress or is it progress? — Wes Waldhillie, former mayor, Box

constitution will be approved. — Maxine C. Johnson, 3713 Creekwood Road, Missoula.

Vote Against

I have been reading this proposed constitution and I can't see why we as voters in this great state of ours should give away what little rights we have left to let the governor have the power to make a dictator state of Montana. The governor will have the power to appoint all the state employees to the offices not voted on by us taxpayers.

constitution requires the legislature to provide adequate remedies to prevent unreasonable depletion and degradation of natural resources and provide effective requirements and standards for reclamation of lands disturbed by the taking of natural resources.

These provisions in the 1972 constitution make me a strong supporter of the proposed constitution. — Don Aldrich, 410 Woodworth Ave., Missoula.

Bill Is Good

The Bill of Rights is the most

building, not to tear any of it down but to utilize all rooms and space and maintain that beautiful yard and trees? Maintain and use all kitchen facilities for preparing and delivering "Meals on Wheels" to any and all of our senior citizens of Missoula County that so wish that service. To rent rooms to girls and women coming to Missoula who are having to give up jobs for lack of a reasonably priced room to live in.

I urge all voters to call the YWCA — phone 549-1123, 600

loss of many small chambers. Our library also bathroom facilities. the librarian who bathroom is, she will to a gas station a few away.

I hope for Missoula that everyone will vote the bond issue for library! — Lori Will Agnes Ave., Missoula Sparklers 4-H Club.

Unneeded

One should have got the late stages of the

LETTERS

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Be Prepared

Contrary to the objections voiced by some groups, it seems to me that some of the most beneficial changes in the proposed constitution have to do with changes in the provisions for property tax administration.

Under the new constitution, the state government would be charged with responsibility for appraising, assessing, and equalizing the valuation of all taxable property. All of us can cite inequalities in assessment from county to county (and indeed within counties) under the present system. The hope is, of course, that uniform state administration of property appraisal and assessment would help to equalize property taxation. Citizens concerned with tax reform and equity should welcome this provision.

Nor does the removal of the two-mill limit on state property taxation alarm me — any more than does the failure to provide constitutional limits on other forms of taxation. In the past, constitutional limitations in fiscal affairs have served as hindrances to effective government. In the future, our elected representatives should be allowed some discretion and flexibility in order that they can better serve the interests of the state and its citizens.

In part, of course, the removal of the two-mill limit was dictated by recent court cases in other states which have found inequalities in local school funding unconstitutional and which may very well force statewide funding of public schools in Montana. Surely the state should be prepared for this eventuality.

It is my hope that the new

constitution will be approved. — Maxine C. Johnson, 3713 Creekwood Road, Missoula.

Vote Against

I have been reading this proposed constitution and I can't see why we as voters in this great state of ours should give away what little rights we have left to let the governor have the power to make a dictator state of Montana. The governor will have the power to appoint all the state employees to the offices not voted on by us taxpayers. This gives him too much power.

As for the gambling bill, it will give the legislature power to pass laws as to who will have the right to gamble. There will be a chance for legislators to get payments from Las Vegas not to allow full gambling in Montana. I have been told that some people have already been paid to keep gambling out of Montana and Idaho. Also, our state highways, if we let them spend the gas tax money for anything they want, we will have no highways. Our farmers need good roads also, for they buy gas and pay a tax the same as all car owners in the state. All highway money should not be used for anything else but highways.

As for the death penalty — it should be left on the law books for this reason: We should make our government stop taking our young men and making legal murderers out of them by putting them in the army and giving them guns to kill some humans that have never done them any harm.

Vote against the proposed constitution — Daniel D. Duncan, Darby.

Strong Supporter

The 1972 constitution protects the environment; the 1889 constitution does not. The 1972 constitution recognizing the importance of the environment to the future of this state, provides that the inalienable rights of Montanans include a right to a clean and healthful environment.

The constitution also provides that the legislature shall provide adequate remedies for the protection of the environmental life support system from degradation.

In addition to these protections for the environment, the

constitution requires the legislature to provide adequate remedies to prevent unreasonable depletion and degradation of natural resources and provide effective requirements and standards for reclamation of lands disturbed by the taking of natural resources.

These provisions in the 1972 constitution make me a strong supporter of the proposed constitution. — Don Aldrich, 410 Woodworth Ave., Missoula.

Bill Is Good

The Bill of Rights is the most important part of any constitution.

The proposed Montana Constitution not only retains all of the citizens' rights in the 1889 Bill of Rights but adds important new rights. The people are guaranteed the right to a clean and healthful environment, the right to know (including the right to attend meetings of public agencies and to examine the agencies' records), the right of privacy, the right to sue the state and subdivisions for negligent injury to person or property, the right of participation in governmental decision making and the right against discrimination in exercise of civil and political rights.

The new Montana Bill of Rights will be a model for other states. I strongly support the proposed constitution as will all other Montanans after they have compared it to the 1889 constitution. — A. G. Erskine, 1024 Locust St., Missoula.

Support YWCA

Hear Ye, Hear Ye, senior citizens, taxpayers, voters of Missoula County.

As the month of May was Senior Citizens Month and all months of the year have now become a fantastic headache to all taxpayers of Missoula County.

Do you really want your taxes raised for the support of a new library? What is the matter with the one we have? Perhaps not all know the city wants the old Community Hospital to be torn down, destroying all the beautiful trees and shrubbery to build that library.

And how many of you know the YWCA is working into the wee hours of the night, for the past several months, to acquire that same Community Hospital

building, not to tear any of it down but to utilize all rooms and space and maintain that beautiful yard and trees? Maintain and use all kitchen facilities for preparing and delivering "Meals on Wheels" to any and all of our senior citizens of Missoula County that so wish that service. To rent rooms to girls and women coming to Missoula who are having to give up jobs for lack of a reasonably priced room to live in.

I urge all voters to call the YWCA — phone 549-1123, 600 Orange St. They will be very happy to explain all classes they teach; also how cramped their quarters are.

Let Missoula be proud of their YWCA Building. Let's hear from others too. Let's not just say we will write. Never put off until tomorrow what you can do today. — Mr. and Mrs. Louis M. Voss; Mr. and Mrs. Thomas E. Heck, Alberton.

Vote 'Yes'

One fact that is becoming clear to the people of Missoula is that Missoula County greatly needs a new library.

The present library was built in 1903 and enlarged in 1908, making it quite adequate to serve a community of 15,000 people. Today the same library is attempting to serve a community of 58,263 people.

I asked some of my friends if they were supporting the need of a new library. They said, "Oh, we don't need a new library. If we need a book we can go to our school library."

I think this is wrong. Not only do school libraries have a limited number of books; but they're all usually closed around 4 p.m., which makes it almost impossible for the people with jobs who usually get out at 5 p.m. to use them.

Okay, let's say you don't like to read and almost never go to the library. Would you be very happy to turn on your radio one day and hear about a friend or relative who was killed in the library fire?

Our adult library (the upper floor) has only one exit — the main doors. The children's library (in the basement) also has only one public exit — the main door, but to get to this exit you not only have to go up a winding stair, you also have to pass a furnace that is built on a wood floor; this could mean the

loss of many small children. Our library's bathroom facilities — the librarian's bathroom is, she to a gas station away.

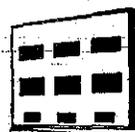
I hope for M that everyone will the bond issue library! — Lori Agnes Ave., Missoula Sparklers 4-H Club

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One should have the late stages of would witness the not-so-subtle efforts. Mr. Mc tempt in a recent carpetbag lab Miller seems typ proach of people issues to direct the voters.

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Local Comment

Local Comment

It's a Good Thing

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tanans are faced with a improve their ability to ell. A "yes" vote for the ill be a good service to ple.

The proposed constitution offers a substantial advantage for the people of Montana to become a viable power of governmental influence. No longer will big business, big money, vested interest coalitions have the degree of persuasive power which they now enjoy. The legislative article, by requiring open meetings and recorded votes, insures the roles of the lobbyists will more adequately reflect their original intended purpose of informing legislators rather than surreptitiously influencing them. Annual sessions, single member districts, sixty calendar days, unlimited amendment provisions, an easing of referendum and initiative procedure, and a continuous body all serve to enhance greater public participation in state government decisions.

These articles allow easier people involvement and necessarily make the legislature more responsive to the desires of the people. This is essential, if the new constitution is passed, simply because the delegates saw fit to trust the legislature with the power to declare the degree of statutory influence it deems necessary or desirable for implementation of most of the reform articles. For example, the legislature is directed to:

- Interpret and enact the right to a clean and healthful environment and the pursuit of basic necessities.
- Give consideration to a form of poll booth registration which, in my opinion, would give more "poll power" to the minorities of Montana.
- Determine if the Supreme Court should be enlarged by two additional

members and a judicial standards commission created to review and investigate complaints concerning conduct of the state's judges.

- Provide a statewide tax equalization and assessment system, local debts, property tax exemption status, accountability and investment of state funds, and a citizens appeal procedure for state tax grievances.

- The new environmental section directs the legislature to provide adequate remedies to protect the environment, set standards of land reclamation, and identify and preserve the state's cultural and historical resources.

- Provide procedures for local governments to form their own charters.

- Program state responsibility for welfare assistance.

- Provide an office of consumer counsel to represent the people before the Public Service Commission. (Montana is now one of the only states in the Union not having a Department of Consumer Affairs).

- Enact a code of ethics prohibiting a conflict of interest among state and local government officials.

If the people of this state wish to have a say in how we are governed, now is our opportunity for participation. Now is the opportunity for the average citizen to vote and voice his opinion in how we and our children are to be governed for the next 100 years. Let's begin a truly democratic participation era, by voting yes to the new constitution on June 6. — **Randy Skelton, 503 Pattee Canyon Drive, Missoula.**

tear any of it lize all rooms maintain that and trees? se all kitchen reparing, and s on Wheels" to if our senior ulla County that rvice. To rent and women oula who are p jobs for lack priced room to

loss of many small children. Our library also has no bathroom facilities. If you ask the librarian where the bathroom is, she will send you to a gas station a few blocks away.

I hope for Missoula's sake that everyone will vote "yes" on the bond issue for a new library! — **Lori Williams, 425 Agnes Ave., Missoula, Missoula Sparklers 4-H Club.**

Unneeded

One should have guessed that the late stages of the campaign

chemistry and associate dean of students at the University (six years), then superintendent of public instruction. Her 12 years of service as superintendent reflect both her dedication to Montana and the confidence of Montana people in her. As for technicalities, she has been a legal resident of Montana since 1950, a Helena property owner since 1958.

Since Mr. McCormick is so concerned about "liberal" representation in Congress, these are the facts: Harriet is running for the seat of an in-

firm in Helena and Santa Barbara. If this served to give her a perspective on how to prevent California's problems from becoming Montana's, then it adds to her qualifications. Some of Montana's most able servants are required to spend time in other locales — Washington, D.C., for instance. None of these points should be at issue. If he were concerned with the quality of representation in Congress, Mr. McCormick should raise substantive issues regarding the candidate's stands on the needs

tiate these statements, I suggest he openly present said plan to the public. It would also be enlightening to the mining interests throughout this country that have failed to leave any area in the natural condition in which it was found beforehand. With one-third of eastern Montana in jeopardy of being industrially plundered, I personally challenge Mr. Hubbard to substantiate his superficial expertise; that is, put up or shut up! — **A. Ray McPahil, -912 Rimini Court, Missoula.**

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would witness the emergence of
not-so-subtle efforts at smear
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tempt in a recent letter to pin
a carpetbag label on Harriet
Miller seems typical of the ap-
proach of people without real
issues to direct the attention of
the voters.

Had he truly attempted to
learn the "record" he would
know Harriet has an excellent
record of service to Montana.
She was associate professor of

Easy Scan and Print
cument whose record cannot
be considered "liberal" by any
stretch of the imagination. In
the primary she is competing
against a defeated candidate
whose "liberal" record has been
once rejected by the people. Mr.
McCormick should be pleased
that two "liberals" are opposing
each other — how can the peo-
ple lose?

Harriet has divided the last
four year's time between offices
of her management consulting

fuscation of his red herring is
unnecessary. — Lauren S.
McKinsey, 431 Daly, Missoula.

Put Up, Or . . .

This letter is in response to
statements made by Henry S.
Hibbard, Republican candidate
for the U.S. Senate. He is
reported to have said, in a re-
cent Missoulian, that strip-
mining in Montana "can be both
profitable and beautiful if con-
cern for the environment is
tempered with good judgment
and reason."

He points to eastern Montana,
which still has not recovered
from the 50-year-old activities of
the "sod busters," and says, "It
is altogether possible to develop
these areas and not destroy the
physical beauty of the land."
The idea that in some cases the
environment would be improved
in appearance could be very
appealing if only it did not
stimulate nausea in a relatively
knowledgeable person.

"If Mr. Hibbard has a secret
plan" to successfully substan-

Best Joke

The Best Joke of the Year is
your announcement of Mayor
John McLaughlin, who is a
candidate for state treasurer,
refusing to disclose his financial
assets.

Headlines for months have
proclaimed the city of Great
Falls being near bankruptcy
under his administration. He
should make an excellent state
treasurer. — Charles K. Green,
Coram

Nuts?

Concerning your editorial of
May 24, 1972, wherein you claim
that a vote AGAINST the pro-
posed Constitution on June 6th
is the same as a vote FOR a
sales tax: Are you nuts or
something? — Jim Wilson,
Helena.

Letters should be on a subject of
general interest. Letters longer than
300 words will be returned to the
writer for condensation or get.cu.ly.
The editor, letters must be signed
and give the writer's address.

The Missoulian

Founded May 1, 1873



JOHN TALBOT, Publisher
EDWARD A. COYLE, Editor
SAM REYNOLDS, Editorial Page Editor

Local Comment

Alarm Unwarranted

There were two letters in the May 31
paper that raised very sensitive ques-
tions and ones that greatly concern
many voters. The letters indicate a lack
of understanding of what the proposed
constitution actually says vis a vis the
1889 constitution.

Samuel Silverthorn is concerned
about the meaning of "full funding" of
education. The convention delegates
were also concerned about what it
would mean and did not put such
wording in the proposed constitution.
The words "full funding" simply are not
found in the proposed constitution in the
Education and Public Lands Article (X)
or anywhere else.

The 1889 constitution states that "It
is the duty of the legislative assembly
of Montana to establish and maintain a
general, uniform, and thorough system
of public, free, common schools." (What
is thorough? The proposed constitution
states that "The legislature shall pro-
vide a basic system of free quality
public elementary and secondary
schools.")

Mr. Silverthorn states that the pro-
posed constitution takes from the people
the right they have under the 1889 con-
stitution to vote on the amount of tax
dollars that can be levied. Under the
1889 constitution there is no provision
that requires the legislature to submit a
sales tax of 2 or 8 per cent to the people
before they enact it. Nor is there any
provision that requires them to submit
to the voters an increase in the state
income tax.

The 1889 constitution does limit the
amount of STATE (NOT LOCAL) pro-

vote of the people. Obviously this has
not been too effective in holding down
Montana's property tax. On the other
hand, it has greatly inhibited any prop-
erty tax reform in the state.

Harlan Stone's Local Comment
reflects some of the serious problems
within our present tax structure. The
proposed constitution would allow major
reform of the property tax in these
areas. I am in complete sympathy with
reform that will not force families to
sell their farms to subdividers just
because the farmer next door did so.

I introduced at the convention a
proposal that would allow agricultural
and recreational land to be taxed on the
basis of what that land is being used
for rather than its "highest and best
use." This type of taxation is not man-
dated by the proposed constitution nor
is it precluded. The proposed con-
stitution does not require that property
be assessed at its full cash value,
thereby causing the taxation on rural
land to be greatly increased. It does not
change the present method of arriving
at the assessed value of property.

The convention's taxation committee
realized that the arrival of a fair value
for taxation purposes depends on things
other than the market value, i.e. the
income potential of the property. We all
know that the income potential of farm
lands has not kept up with inflation.
While the proposed constitution does not
require that farm land be taxed the
same as commercial developments and
does allow classification, it does require
that the different classes of property be
taxed equally from county to county.

have not equalized their property values
with the rest of the state. Some coun-
ties, by keeping their valuations low,
pay less because of the state-wide levies
now imposed by the university system,
and receive more money back from the
School Foundation Program. If equal
educational opportunity for every child
is mandated by the U.S. Supreme Court,
this type of discrepancy will balloon.
The less your valuation, the more state
money you will receive to support your
schools.

Taxation is a very complicated sub-
ject and I do not profess to be an ex-
pert, but I am aware of some of the
problems in our constitution, and these
were taken out of the proposed con-
stitution. The Supreme Court of Mon-
tana for many years has had a difficult
time in reconciling Section 1 requiring
uniformity and Section 11 allowing
classification; both sections in Article 12
of the present constitution. The court
noted in Hilger vs. Moore, 56 Mont. 146,
that Section 1 had been taken from one
state constitution and Section 11 had
been taken from another constitution.
The court held that it was not clear
what the framers intended and that the
two provisions were not harmonious.

The proposed constitution makes it
possible for the legislature to adopt
taxation provisions that will be realistic
in terms of Montana's needs and
changing situations. They realize the
problems of our state property tax,
under the proposed constitution it is up
to them to do something about it, and
they can. — Mae Nan Robinson, 2223 S.
5th St. W., Missoula; Missoula, Montana

'Peace Force' Patrolling Free Derry

By **RODNEY PINDER**
Associated Press Writer
INSIDE FREE DERRY.
Northern Ireland (AP) — A new force of guerrilla gunmen patrolled the streets here Sunday.

They may be a force for peace—a challenge to the nationalists of the Irish Republican Army's Provisional wing.

The gunmen appeared at checkpoints in the Creggan

zone of Free Derry—the Roman Catholic area of Northern Ireland's second city, dominated by the guns of the Provisionals. Sources close to the women's peace movement which in the past two weeks has rocked this IRA power base said they believed the new force will come to the aid of the peace demonstrators if they are threatened by the Provisionals.

The "ex-servicemen," as the

newly emerged gunmen are called by residents of this ghetto, are said to be organized by Londonderry Irishmen who were once members of the British army.

They are reckoned to have up to 60 guns at their disposal, compared with the estimated 100 to 200 commanded by the Provisionals.

The appearance of this new outfit came as Martin McGuinness, commander of the IRA guerrilla force which claims to rule Free Derry, said in an interview he had no intention of calling a cease-fire.

Over the past two weeks a large body of Catholics in the ghetto, sickened by three years of strife and afraid of a violent Protestant backlash, have called on the IRA to lay down its arms.

The Marxist Official wing

last week bowed to the appeal—but the Provisionals maintain their bombing and shooting must go on.

The Provisionals demand release of all suspected guerrillas held without trial and those already jailed by the courts, an amnesty for all wanted men, and withdrawal of British troops to their barracks as a prelude to a total military withdrawal from Northern Ireland.

McGuinness said the Provisionals were not losing support or sympathy by opposing the budding peace movement.

About a mile from McGuinness' headquarters in the Bogside, Mrs. Margaret Doherty, a prime mover in women's peace cam-

It's the women and that keep the army of IRA. The Provisionals ten to the people at their arms.

In Belfast, a big demolished a bar of a Roman Catholic during the night and were wounded, police.

Soon after the explosion firing from a shot and killed a member part of the city the Catholics nor claim. His death was in three years of Northern Ireland.

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What you

Kaericher Commander

GREAT FALLS (AP)—The vice commander of the 341st Strategic Missile Wing at Malmstrom Air Force Base has been named to assume command of the unit.

Col. Kermit C. Kaericher succeeds Brig. Gen. Gerald G. Fall Jr., who has been named commander of the 4th Strategic Missile Division at Warren Air Force Base, Cheyenne, Wyo.

Kaericher became vice commander of the wing in September 1971. Previous to that he served as assistant director of the Division of Military Application of Research and Development for the Atomic Energy Commission.

He is a 1947 West Point graduate and a command pilot with over 4,000 hours flying time.

ON ONE COIN

Queen Isabella, who sponsored Columbus' discovery voyage to the New World, appears on one American coin, the Isabella commemorative quarter-dollar minted in 1893 at the request of the Board of Lady Managers of the Columbian Exposition in Chicago.

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- Lawyer
- Business Woman



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should know about the proposed constitution

(1) Our present constitution provides revenue for building Montana's highways. These funds are designated for highway construction and come from gross vehicle fees, excise and license taxes on gasoline and other highways fuels. The proposed constitution will allow the legislature, by a three-fifths vote, to divert these highway funds for other purposes, such as welfare, public education or even to balance the state budget. This will endanger the state's highway program because it will eliminate matching funds by the federal government. (The federal government pays 75% of Montana highway construction costs) (See Article 8)

(2) Our present constitution is a document of fundamental importance. It is more than just the 1889 wording. It is also the approximately 50 amendments made since then and many court decisions interpreting it. Its replacement should only be undertaken after serious deliberation and debate by the voters. Thirty days before an election is not enough time for Montanans to review or debate a proposed constitution.

(3) Our present constitution allows the state to levy two mills property tax for emergency purposes and six mills for higher education after the people have approved the levy at the polls. In the proposed constitution, the two mill levy on property tax is eliminated and the limit on local government debt is removed. This allows the legislature by 3/4 vote to tax property for any amount, without restrictions or approval by the people. (See Article 8)

(4) The proposed constitution allows for "third party suits." This allows an injured workman to first collect under his Workman's Compensation coverage, and then sue, or bring action against the party who has hired his employer in some cases. Montana's Supreme Court has twice ruled that such third party suits could not be instituted because it defeats the basic principle of Workman's Compensation. The wording contained in the proposed constitution is an obvious attempt to negate these Supreme Court decisions. (See Article II, Section 16).

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June 5, 1972

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Free Derry

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Northern Ireland.
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y by opposing the
ice movement.

a mile from
headquarters in the
rs. Margaret Doh-

ry, a prime mover behind the
women's peace campaign, said:
"It's the women and kids here
that keep the army out—not the
IRA. The Provisionals must lis-
ten to the people and lay down
their arms."

In Belfast, a big bomb blast
demolished a bar on the edge
of a Roman Catholic district
during the night and 35 persons
were wounded, police reported.

Soon after the explosion, gun-
men firing from a speeding car
shot and killed a man in another
part of the city that neither
the Catholics nor Protestants
claim. His death was the 355th
in three years of violence in
Northern Ireland.

Helena Paper Endorses Proposed Constitution

HELENA (AP)—The Helena
Independent Record, terming
the present Montana con-
stitution "completely stifling to
effective government,"
urged in a Sunday editorial the
passage of the state's new con-
stitution.

The Independent Record is
one of four Lee newspapers in
the state.

The editorial states the news-
paper is not entirely satisfied
with the new document, that it
would have liked to see more
changes from the present 1889
document.

"But, it was, after all, a
product of compromise among
100 delegates of differing points
of view."

The Independent Record said
the new constitution "must be
considered in its entire context
and compared to the old one in
its entire context. It is in mak-
ing this comparison that we
recommend the new con-
stitution.

"It is infinitely better than
the old one."

NOTE
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asurer
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Woman



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Primary TUES., JUNE 6



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in the primary
tomorrow for
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candidates,
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Sincerely
Eddie Dussault

Non-Part. Pol. Adv. pd.
by Edward T. Dussault

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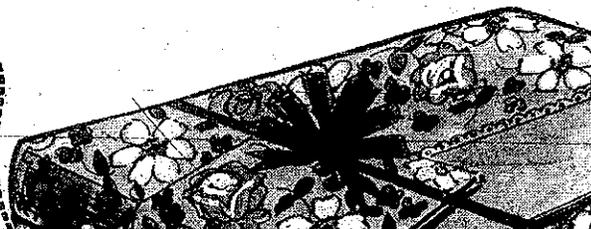


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Montana Wildlife Federation Supports Proposed Constitution

By DALE BURK
Missoulian State Editor

The executive officer of Montana's largest conservation organization has recommended the adoption of the state's proposed constitution, saying it will make government responsive to the people.

Don Aldrich of Missoula, executive secretary of the 10,000-member Montana Wildlife Federation, said "a more responsive, a more accountable and a more representative government is available to the voters" through the proposed constitution.

Aldrich said that his organization has in the past attempted to present a true picture of the quality of representation the public receives from its elected officials but that this has not always been possible.

"Under the old constitution it has been possible for a legislator to do all within his power to defeat public interest legislation and then cast his only recorded vote with the white hats when he knew it was going to pass in spite of him," Aldrich said. "The new constitution will open the committee deliberations of the Legislature to the public."

He said this would provide recorded votes at all stages as a bill advances and "will make

honest people of our legislators and give the voter the information he needs to select those who represent him."

Aldrich said the old constitution was carefully written to restrict the power of government, to keep the power accessible to industrial interests, and to make government unavailable to citizen reform groups.

"This explains why the same pressures that resist environmental reform legislation are now opposing ratification of our new constitution," Aldrich said. "The opponents are the same group that wants to see the working people, small business and agriculture saddled with the expense of government."

He said these same interest groups have supported a sales tax to prevent a statewide property tax and that they are telling the public that eliminating the two mill limitation on state property tax will increase the tax load.

"Under the new constitution most citizens will pay a lower property tax because industry will pick up a more equitable share," Aldrich said.

Aldrich praised what he termed the "responsiveness to the people" of the proposed constitution in that it is more accessible to amendment than the old document.



Western Montana

Larry Smith Transferred

KALISPELL — Timber management specialist Larry Smith has been transferred from the Flathead National Forest staff at Kalispell to the Kettle Falls ranger district of the Colville National Forest.

The transfer and promotion are effective June 11. Smith joined the Flathead forest staff in 1964 and has helped with timber sales preparation and administration activities since.

He also has taken an active part in long range planning and application of the principles of multiple use management. His new assignment will place him as district forest ranger on the Kettle Falls district of the Idaho forest.

Flathead supervisor Ed Corpe said that due to reorganization of the Flathead forest and the recent assignment of timber specialists to various districts, no replacement would be

Salmon Forest Proposals Set

SALMON, Idaho — Tentative management proposals for 996,834 acres of undeveloped areas on the Salmon National Forest call for inclusion of 43,264 acres in candidate wilderness study areas, 535,292 acres for full resource development, 223,952 acres for recreational back country development with no roads permitted, and 193,326 acres for limited resource development with no roads permitted.

The Clear Creek-Garden Creek area is tentatively proposed for study to determine possible future classification under the National Wilderness Preservation Act.

During the study period no resource development activity will be allowed which may adversely affect the area's possible future classification under this act, John Emerson, Forest supervisor said.

FLOOD BEAUTY — Towering mountains Salmon River near Salmon, Idaho. The half feet during the past week. The wa and flooded some campgrounds.

Two Montana Stud To Join Utah Shake

BOZEMAN — Two Montana State University students, David MacIntyre of Columbia Falls and Rhonda Smith of Poplar, have been selected to appear this summer with the acting company of the Utah Shakespeare Festival.

The festival, held at Cedar City near Zion National Park, begins rehearsals June 12, with

on the demanding p Lear, and thinks would do well as Pa Winter's Tale."

The festival depends on the support from sponsors Richard Burtons a who make possible r audiences during th



The Missoulian, Monday, June 5, 1972—13



Building Permits Reach \$2.25 Mark

KALISPELL — Building permits valued at more than \$2.25 million have been issued by Kalispell City Engineer.

He said during May that 20 permits valued at \$454,650 were handed out, pushing the total for the year to \$2,290,725. That beat the city's third best building year of 1965 by some \$5,000.

The city's two highest building years were \$2,349,236 in 1970 and the all-time high of \$4,302,332 in 1967.

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OD BEAUTY — Towering mountains are reflected in the spreading river near Salmon, Idaho. The river has risen nearly two-and-a-half feet during the past week. The waters cut off some secondary roads and flooded some campgrounds.

Two Montana Students Selected to Join Utah Shakespeare Festival

AN — Two Montana university students, David Lear, and thinks Miss Smith of Columbia Falls, Ida Smith of Poplar, are selected to appear with the acting company of the Utah Shakespeare Festival. The festival, held at Cedar Breaks National Park, begins June 12, with performances scheduled July 12

on the demanding part of King Lear, and thinks Miss Smith would do well as Paulina in "A Winter's Tale." The festival depends on support from sponsors such as the Richard Burtons and tourists who make possible near sell-out audiences during the month of

performances. Both MSU students plan theatre-oriented careers and look forward to the experience. As MacIntyre put it, "It's great exposure, and often leads to full-time repertory work, which is something an actor really prizes these days."

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Record Primary Turnout Expected in Missoula

By GARY LANGLEY
Missoulian Staff Writer

For voters expected to cast ballots in unprecedented numbers for a primary election, Tuesday will mark a day of decision that could cast a long shadow on the future.

The drawing card is an unusually long ballot in which voters will tap party nominees for a variety of national, state and local offices and decide whether a new constitution written earlier this year should provide the future framework for Montana's government.

Despite a lack of contests for county offices, Missoula County's voter registration is its highest in history, with eligible voters apparently drawn by the proposed constitution, a number of spirited national and state races and an \$850,000 bond issue for a new city-county library.

Nearly 30,000

In Missoula County, voter registration has swelled to nearly 30,000 — by far its all-time high. And on the state level, a record of nearly 337,000 voters have registered.

Moreover, County Election Supervisor Ken Wolff predicted at least 70 per cent of those registered will mark ballots Tuesday — which also would set a record for a primary.

The indicator of a large voter turnout is absentee voting which ended Monday noon with 1,051 persons marking ballots.

1980, nearly 69 per cent of those eligible cast ballots. Two years ago, the primary election turnout stood at 54.3 per cent.

The voter registration figure of 29,837 compares with 24,140 for the 1970 primary election and 28,512 for the general.

Polls will be open from 8 a.m. to 8 p.m. at most polling places.

Wolff said Votomatic punchcard voting devices will be used in 51 of the county's 83 precincts. However, paper ballots also will be available in all precincts.

While the punchcard devices have failed at times, Wolff said he expects wider acceptance of the system this year. And he added the computerized vote count should be finished "no later than midnight." Paper ballots, he said, should be tallied sometime Wednesday morning.

"It all hinges on how many people use the paper ballots," he said.

Two years ago, Votomatics were used by nearly 70 per cent of those voting in the primary and general elections.

Few Local Contests

The only local contests are those for county auditor, where four persons are seeking the two nominations, and the House of Representatives where nine Democrats and nine Republicans are seeking the eight nominations on each side of the ballot.

However, the ballot is laden



BODIES IN RIVER—A bunch of bodies were half-submerged by fish

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The indicator of a large voter turnout is absentee voting which ended Monday noon with 1,051 persons marking ballots.

Wolff said about 300 persons normally vote absentee during a primary election, but the numbers swell to about 2,000 for a general election.

"This is the highest it's ever been for a primary," he said Monday as large numbers of prospective voters stood in his office.

The voter turnout could set a record for the last decade. In

1960, nearly 69 per cent of those eligible cast ballots. Two years ago, the primary election turnout stood at 54.9 per cent.

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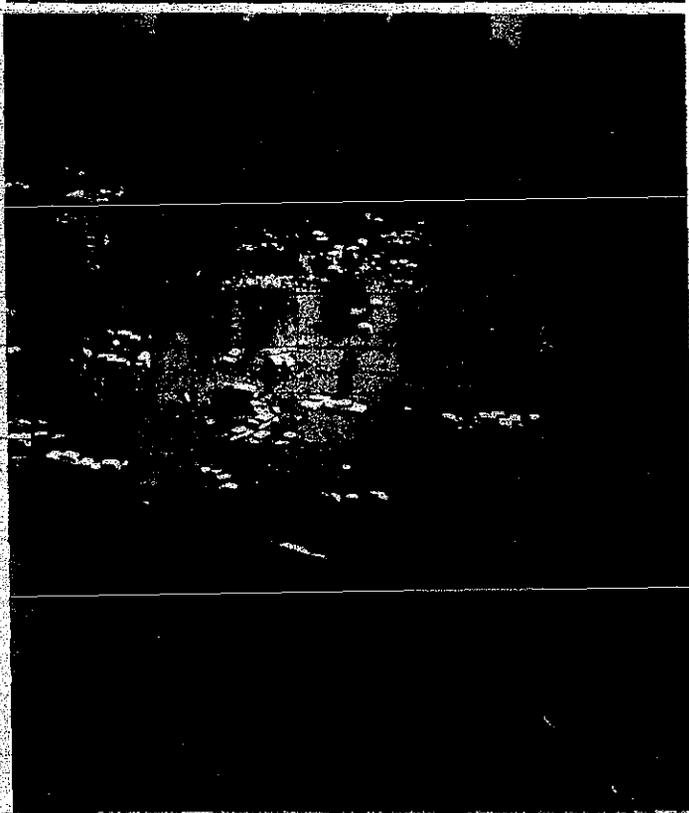
Few Local Contests

The only local contests are those for county auditor, where four persons are seeking the two nominations, and the House of Representatives where nine Democrats and nine Republicans are seeking the eight nominations on each side of the ballot.

However, the ballot is laden with spirited contests on the state and national level, particularly for governor, Congress and the U.S. Senate.

For governor, races on both sides of the ballot appear to be close. Lt. Gov. Tom Judge and State Senate Majority Leader Dick Dzivi are established frontrunners in a five-way Democratic primary, and Frank

(Turn to Page 2, Col. 6)



BODIES IN RIVER—A bunch of bodies were half-submerged by flowing water of the Bitterroot River in the Buckhouse Bridge area Monday — car bodies, that is. The water had receded some from its peak but still was covering much of the lowlands along its banks. (Staff Photo by Robert Cushman)

Clark Fork Receding, But Damage Possible

By LAWRENCE PEDERSON
Missoulian Staff Writer

Bridge is almost covered. Another junk
the Clark Fork just west of Missoula

Connally Sent

OWN SID

Thunder in Afternoons

Western Broadcasting said they would pay the assessment for any hardship case within the boundaries.

The estimated assessment for a single-family dwelling unit within the district was between \$35 and \$60 which would be paid during a five-year period.

Some residents also questioned where the city could obtain any additional funds needed for the planning. According to members of the mayor's committee, additional funds will be requested from the federal government.

When questioned who would pay the much larger amount of money for any actual construction, committee members said the question of financing was a major part of the planning they seek.

Alderman Healy questioned whether the district is legal since it does not create any tangible product such as a lighting or sewer district.

City Attorney Fred Root said districts for planning have been created in the past and in many other cities in the state and nation.

Other activities of the council included:

A motion by Alderman John F. Patterson Jr. to use city equipment to clean the Orange Street underpass. Alderman Healy has been critical of the condition of the underpass for the past three weeks.

L. S. Jenson and Sons Construction Co. of Missoula was low bidder on construction of sewer behind the Gibson's store on Southwest Higgins Avenue. The bid was \$11,850.

Amended three city ordinances controlling weeds on vacant lots in the city. The responsibility for weed control was changed from the park department to the fire department. If owners of vacant lots do not control weeds on the land by July 1, the fire department will burn the weeds and bill the land owner, under the ordinances. The money from this work will go into the general fund.

Accepted the retirement of Lt. Marion J. Kluk from the city police department. The retirement is effective June 30. Lt. Kluk has been with the department for 20 years.

Approved the following appointments with the city fire department: James L. Hamilton as captain; Richard

Northern Montana has Missoula Tuesday afternoon. The low pressure circulated southward and will spread northward into Montana during the afternoon for the next

several days, bringing thunderstorm activity. A cooling trend can be expected by Thursday.

The highest temperature in the nation Monday was 105 at Blythe and Palm Springs, Calif., and the low was 34 at Pellston, Mich. In Montana, the high was 88 at Missoula and Havre and the low was 35 at West Yellowstone.

The record high for June 6 in Missoula was 91 in 1926 and the low was 32 in 1962. Sunset Tuesday will be at 9:27 and sunrise Wednesday will be at 5:43.

West of the Divide: Fair and warm through Wednesday. Isolated afternoon thunderstorms. Lows at night 40s. Highs both days 80s.

East of the Divide: Fair and warm Tuesday Wednesday. Isolated afternoon thunderstorms. Lows at night 45 to 55. Highs both days 85 to 95.

YESTERDAY IN MISSOULA
Maximum . 88 Minimum . 44
At 6 a.m. . 46 At 6 p.m. . 84
At 10 p.m. . 71 Precip. . . 0

YESTERDAY ELSEWHERE

City	High	Low	Prep.
Belgrade	82	42	
Billings	81	49	
Broadus	78	46	
Butte	80	40	
Cut Bank	83	42	
Dillon	83	42	
Drummond	87	38	
Glasgow	82	50	
Great Falls	86	47	
Hamilton	83	45	
Havre	88	48	
Helena	84	45	
Hot Springs	85	48	
Kalispell	82	41	
Lewistown	81	40	
Miles City	83	55	
Thompson Falls	87	43	
W. Yellowstone	77	35	
Whitehall	85	43	
Chicago	75	56	
Denver	72	55	.70
Los Angeles	96	65	
Mpls-St. Paul	82	62	.01
New York	96	65	
Mpls-St. Paul	82	62	.01
New York	80	60	
Phoenix	99	79	
San Francisco	77	64	
Seattle	75	52	

State Primary

(Continued From Page One)

are Dallas E. Howard, chairman of the State Low Income Organization; Eva L. Shunkwiler, a registered nurse; and David E. Burham, who has never given newsmen a rundown on his background.

Running for lieutenant governor are Democrats Bill Christiansen, minority leader of the Montana House; and Edward J. Warren, a painting contractor; Republicans Harold S. "Sonny" Hanson, consulting engineer; and Lou Welch, smelterman who tried for the same office two times before.

Another primary contest matches Republicans Opal R. Eggert, Billings, and Hollis G. Connors, Townsend, for treasurer. The winner faces Great Falls Mayor John J. McLaughlin, a Democrat, on Nov. 7.

Educators Jerry L. Agen, Eureka, and C. A. "Casey" Emer-

son, Bozeman; seek GOP nomination as superintendent of public instruction. The victor takes on Democratic incumbent Dolores Colburg in the fall.

Bidding for Democratic endorsement as public service commissioner are incumbent Lou Bodecker and Paul Cannon, former lieutenant governor. The winner meets Alex B. Stephenson, outgoing state treasurer, in the general election.

It is clear sailing through the primary for Secretary of State Frank Murray, a Democrat, and David Lewis, his Republican challenger; and for Atty. Gen. Robert L. Woodahl, a Republican, and his Democratic challenger, John C. Seehy.

Virtually assured of re-election for lack of any opposition are State Auditor E. V. "Sonny" Omholt, a Republican, and nonpartisan Justice John C. Harrison of the Montana Supreme Court.

Rest of Ransom Money Is Found

By THE ASSOCIATED PRESS

Searchers in a remote area of Nevada have found \$160,000 in ransom taken by a man who was captured Saturday after parachuting from the United Airlines jet he hijacked, the FBI said Monday.

In New York, warrants were issued for a young couple who hijacked a Western Airlines jet from San Francisco to Algeria Saturday with \$500,000 in ransom money.

The warrants were for the arrest of Willie Roger Holder, 23, of San Diego, Calif., and Catherine Mary Kerkow, 20, of Coos Bay, Ore., who have asked for political asylum in Algeria.

The Algerian government said it is considering the request. The U.S. State Department said it was negotiating for the return of the money.

The complaint said the pilot and copilot of the hijacked Western plane had identified the two from pictures

ernment will agree to extradition.

The money from the United plane, hijacked from Reno, was found Sunday night, the FBI in Las Vegas said. The rest of the \$200,000 ransom was left on the 727 jet when the hijacker parachuted out early Saturday.

Robb D. Heady, 22, of Reno was arrested at dawn Saturday in the remote area where the money was found, about 20 miles south of Reno. The Vietnam war veteran and sports parachutist, who is being held on \$100,000 bond after arraignment on air piracy charges, faces a preliminary hearing Friday.

Daniel
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William R.

DISCOUNT FABRICS
Fashion Fabrics for Creative People!

Councilmen Okay Downtown SII

By FRANK WALSH
Missoulian Staff Writer

After a lengthy public hearing Monday night, the City Council voted to create a special improvement district to defray part of the planning costs for downtown improvement.

About 100 residents were present as several persons questioned members of the mayor's Advisory Committee on Urban Improvement.

The special improvement district will collect \$50,000 to hire a consultant to provide a

plan concerning land use, zoning, traffic, parking, mass transportation, street lighting and furniture, landscape beautification, economic future, civic center and river front.

Aldermen Stan Healy, M. A.

Kosan, Mrs. Yvonne Ransavage and Joe Day voted against the special improvement district.

Most of the opposition to the district came from persons who own single-family units within the boundaries of the district.

These persons said they will be paying as much for the district as the businessmen in the area who will receive the most benefit.

Members of the committee and Dale Moore, chairman of

Western Broad would pay the any hardship boundaries.

The estimate a single-family within the distr \$35 and \$60 whi during a five-ye

Some residen where the city additional fund planning Accor of the mayor's ditional funds v from the federal

When questic pay the much l money for ar struction, comr said the questi was a major p ning they seek.

Alderman H whether the c since it does tangible produ lighting or sewer City-Attorney districts for pla created in the p other cities in ti tion.

Other activitie included:

— A motion John F. Patters ty equipment Orange Street Alderman. Hea critical of the c underpass for weeks.

— L. S. Jer Construction Co was low bidder of sewer behin store on Soul Avenue. The bid

— Amended dinances control vacant lots in responsibility fo was changed fro partment to th ment. If owners do not control land by July 1 partment will bi and bill the land the ordinances, from this work the general fund.

— Accepted t of Lt. Marion the city police The retirement June 30, Lt. Kl with the depart years.

— Approved

Half in Poverty

CAPE TOWN, South Africa (AP) — A survey by the Institute of Race Relations reports that about half of all black households in the greater Cape Town area in 1970 lived below the poverty line. At that time the monthly minimum income judged necessary for a family of six was \$94.61.

Ex-King Edward VIII Gets Full Royal Rites

WINDSOR, England (AP) — The king whose romance shook the British throne was buried in private Monday in a royal garden.

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A crowd of hundreds stood around the castle gates hoping for some glimpse of the coronate. They saw nothing.

Constitution's Fate Up to Voters Today

By PAUL FREEMAN
Associated Press Writer

HELENA (AP) — Montana voters decide Tuesday the fate of an 11,200-word constitution hewed out by 100 delegates in a spirited hassle that pitted rural interests against the state's cities and brought all spectrums of the state political structure into a series of conflicts.

The proposed constitution would replace a longer document written in 1889 at Montana's third constitutional convention. The 1889 document contains around 28,000 words and was amended 37 times.

Montana's first constitutional convention produced a docu-

ment in 1866—two years after Montana became a territory. Only one copy of the document was made and it was lost before it could go to the printers and then to the voters.

The second group of would-be constitution-writers gathered in 1884 and wrote a document modeled largely after the constitutions of California and Colorado. The bid for statehood failed, however, and that document was never adopted.

The proposed constitution is, by most accounts, a flexible document containing little legislative language. Opponents of the new document, however, have focused their campaign against it largely on the fact that the proposed document would lay the groundwork for legislative enactment of a statewide tax on property.

Proponents hold that the new document brings government closer to the people. The proposed constitution provides for election of legislators from single-member districts and would preclude secret sessions of the legislature.

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The president of the Constitutional Convention was Leo Graybill Jr., a brilliant but sometimes-abrasive Democratic lawyer from Great Falls. Graybill clashed occasionally and loudly with the state media and with the convention staff.

In the end, however, Graybill won accolades from fellow delegates as a fair and able presiding officer who kept the document in production and still gave proponents and opponents their say from the floor.

Army ROTC Awards Given At Ceremony on Campus

National awards and local awards were presented to Army ROTC cadets at the University of Montana during the annual Army ROTC awards ceremony on the campus.

Names of award recipients from Montana, listed alphabetically by hometowns,

Association Gold Medal; Robert B. Nisbet, American Legion Award for Military Excellence; John J. Ogle, Daughters of Founders and Patriots of America Award.

Livingston — Daniel M. Stetson, Association of the U.S. Army Military Histor-

The Missoulian

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Politics ran rampant in the Montana Constitutional Convention at the beginning and in the end. The actual writing of the document was surprisingly nonpolitical—with a group of 58 Democrats, 36 Republicans and 6 Independents pulling together

in a 10-week session that produced the final document. The president of the Constitutional Convention was Leo Graybill Jr., a brilliant but sometimes-abrasive Democratic lawyer from Great Falls. Graybill clashed occasionally and loudly with the state media and with the convention staff.

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Billings — Ned R. Ross, Dragstedt's Men's Store Trophy.
Clinton — Glen D. Holmo, Lambros Realty Trophy.

Columbus — Glen A. Henderson, American Legion Award for Military Excellence.

Great Falls — James E. Clavadetscher, Montana Power Co. Trophy; Stephen F. Garrison, Reserve Officers

Association Gold Medal; Robert B. Nisbet, American Legion Award for Military Excellence; John J. Ogle, Daughters of Founders and Patriots of America Award.

Livingston — Daniel Weststad, Association of U.S. Army Military History Award.
Missoula — William R. Schottelkorb, Department of Army Superior Cadet Award and Southside National Bank Trophy; John W. Heinrich, First State Bank Trophy; James C. Hornstein, Reserve Officers Association Bronze Medal; Andrew G. Grande, Reserve Officers Association Silver Medal; Richard A. Engel, Daughters of the American Revolution Award; Douglas F. Phillip, Sons of the American Revolution Award; Joseph D. Krenzberger, Scabbard and Blade Military Excellence Award.

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Easy Scan and Print

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MISSOULA, MONTANA, WEDNESDAY

Constitution Take



METCALF



HIBBARD

Hibbard Is Winn In Senatorial Ra

By J.D. HOLMES
AP Capitol Writer

HELENA (AP) — State Sen. Henry S. "Hank" Hibbard, a Helena rancher, won the right in Tuesday's Republican primary to take on Montana's junior senator, Democrat Lee Metcalf, in November.

Hibbard, 52, is president of the American Sheep Producers Council and ex-chief of the Montana Wool Growers Association.

The 52-year-old Metcalf, challenged in his primary by a political unknown, Jerome Peters, 37, Martin City motel operator, swept to a not-unexpected 4-1 victory.

With nearly 15 per cent of the 981-precincts reporting, Metcalf had 18,117 votes and Peters 3,862.

Hibbard had almost a 2-1 bulge over his closest GOP opponent, Harold E. "Bud" Wallace, the man who gave Senate Majority Leader Mike Mansfield quite a race in 1970.

In 114 of 981 precincts, Hibbard had 4,242 votes to Wallace's 2,446. Next were Norman C. Wheeler, former state director of the Farmers Home

Administration, 1,107; and Merrill K. Riddick, a Philipsburg prospector, 365.

In Montana's western 1st Congressional District, two former elective officials were up and tuck for the right to take on the incumbent, Republican Dick Shoup.

Arnold Olsen, who lost to Shoup two years ago after serving five terms as congressman, led Harriet Miller, former state superintendent of public instruction.

In 59 of 444 precincts in the 23-county district, Olsen had 7,307 votes to Miss Miller's 6,032. Trailing was Arthur R. Sakaye, a retired Air Force officer, with 2,803 votes.

Shoup in the same district easily victory housewife K. The congress votes and counted 317.

In the eastern District primary cor John Melcher 16,902 votes can challenge Forester of 537 precinct

Dunkle, Judge Early Leaders

By J.D. HOLMES
AP Capitol Writer

HELENA (AP) — Acting Gov. Thomas L. Judge captured the Democrats' endorsement for governor Tuesday and environmentalist Frank H. Dunkle, ex-Montana fish-game director, apparently won the Republican nomination.

Judge, 37-year-old lieutenant governor, was chief executive on primary election day because Gov. Forrest H. Anderson, who did not seek re-election, was at the National Governors Conference in Houston.

Victory in the Democratic primary partially capped for Judge his decade-long drive toward the top Statehouse job.

His long-in-the-making campaign organization helped. The Helena advertising man rolled to nearly 2-1 win over Senate Ma-

Great Falls lawyer

Dunkle, 47-year-old career employe of Montana's Fish and Game Department until resigning last January to seek the governorship. Before taking on the directorship in 1963, he had been the state agency's public information officer.

Greatest threat, to Dunkle was Big Ed Smith, Dagmar rancher who broke GOP ranks in the legislature a year ago to vote against his party's sales tax bill.

Gubernatorial also-rans were Democrats Eva L. Shunkwiler, a Deer Lodge nurse; Dallas E. Howard, head of the Montana Low Income Organization; and David E. Burnham, a political unknown; and Republicans Tom Selstad, legislator-businessman; and Warren McMillan, tavern operator and

McGovern Grabs Big Lead

By WALTER R. MEARS
AP Political Writer
Sen. George McGovern took



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By GARY
Missoula

Missoula streamed to numbers Tu nominating general electi legislature ar approving a n

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Missoulian

TV SCHEDULE
ON PAGE 8

Montana, Wednesday, June 7, 1972

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Shoup in the GOP primary in the same district swept to an easy victory over Missoula housewife Kay M. Thompson. The congressman had 3,246 votes and Mrs. Thompson counted 317.

In the eastern 2nd Congressional District, there were no primary contests. Incumbent John Melcher, a Democrat, had 16,902 votes while his Republican challenger, legislator Dick Forester, counted 3,264 in 53 of 537 precincts.

By PAUL FREEMAN
Associated Press Writer
HELENA, Mont. (AP)

With some support and some obvious hatred in rural precincts, Montana's proposed constitution rode a crest of urban support to a thin lead Tuesday night as a laborious count of paper ballots continued.

The new constitution ran up 8,293 affirmative votes to 7,310 against with 121 of the state's 981 precincts reporting.

The lead was boosted by a three-to-one margin from Deer Lodge County, Lincoln County, a labor-rich area in votes, also was going heavily for the new document.

Custer County of eastern Montana was an oasis of support for the proposed document in the rich farmlands of the area. In Custer, with returns nearly complete, the proposed

constitution was leading by 300 votes.

The margin on the constitution see-sawed back and forth all evening — sometimes going behind in a flood of rural votes and coming back with minimal support from rural areas and some city precincts coming in heavily in favor.

An early lead was whittled at mid-evening and a late-moving flood of voters from southeast and central Montana put the proposed constitution behind adoption — with a vote of 3,652 against to 3,078 for.

That was with 73 of the state's precincts and only a handful of city votes in, however.

The issue of a unicameral legislature appeared dead — buried under a trend of more than three to one. Legalizing

gambling held favor with the voters, however, by a margin of 3,813 to 2,896.

Abolishing the death penalty met a two-to-one burial at the hands of the voters in the early returns.

One precinct of Big Horn County of south-central Montana tallied 11 votes against the constitution with none for. A Sanders County precinct on the other side of the state showed 27 votes against the document to only six for.

Early indications from the agriculturally rich eastern portion of the state were of tight voting, but proponents of the new constitution had figured for a heavy turnout of city voters to balance an expected tide of antirevision sentiment from farm areas.

The constitution runs to some 12,000 words and voters were given a choice on the issues of adopting a unicameral, or one-house legislature; abolishing the death penalty and legalizing gambling.

The body of the proposed document contained provisions to keep a two-house legislature and retain the present document's prohibition on gambling.

Advocates of the unicameral legislature largely gave up the active fight to make Montana the second state of the 50 to adopt a one-house legislative branch. The only one-house legislature in operation now is in Nebraska.

The unicameral supporters, seeing that the constitution was in for tough sledding on its basic merits, threw their efforts behind passing the basic document, which would be much easier to change than the present constitution. The present document has been amended 37 times since 1889 and no more than three amend-

Missoula Vote Favors Proposed Constitution

By GARY LANGLEY
Missoula Staff Writer

Missoula County voters streamed to the polls in record numbers Tuesday, apparently nominating incumbents for general election bids to the state legislature and overwhelmingly approving a new constitution.

An estimated 70 per cent of the county's nearly 30,000 voters apparently encouraged by the constitution issue, spirited races on the state level and warm sunny weather marked ballots—but the heavy voting and computer problems during the vote count delayed tabulation.

ballot for eight spots. He was closely followed by Rep. William R. Campbell, Tom Haines and Missoula Mayor George Turman.

Trailing them were Mills Folsom, William E. Murray, Rep. Gary Marbut. It appeared a close race between R. C. Shaver and Al Martinsen for the

last of the eight nominations.

Partial returns also showed an overwhelming 73 per cent of the county's voters favoring the proposed constitution and approving the unicameral legislature, gambling and the death penalty by lesser margins.

(Turn to Page 3, Col. 4)

Computer Snafu Delays Returns

By LAWRENCE PEDERSON
Missoulian Staff Writer

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e officer.

Shoup in the GOP primary in the same district swept to an easy victory over Missoula housewife Kay M. Thompson. The congressman had 3,246 votes and Mrs. Thompson counted 317. In the eastern 2nd Congressional District, there were no primary contests. Incumbent John Meicher, a Democrat, had 16,902 votes while his Republican challenger, legislator Dick Forester, counted 3,264 in 53 of 537 precincts.

Easy Scan and Print paper-ballots continued.

The new constitution ran up 8,293 affirmative votes to 7,310 against with 121 of the state's 981 precincts reporting. The lead was boosted by a three-to-one margin from Deer Lodge County. Lincoln County, a labor-rich area in votes, also was going heavily for the new document. Custer County of eastern Montana was an oasis of support for the proposed document in the rich farmlands of the area. In Custer, with returns nearly complete, the proposed

precincts coming in heavily in favor. An early lead was whittled at mid-evening and a late-moving flood of voters from southeast and central Montana put the proposed constitution behind adoption — with a vote of 3,652 against to 3,078 for. That was with 73 of the state's precincts and only a handful of city votes in, however. The issue of a unicameral legislature appeared dead — buried under a trend of more than three to one. Legalizing

tana tallied 11 votes against the constitution with none for. A Sanders County precinct on the other side of the state showed 27 votes against the document to only six for. Early indications from the agriculturally rich eastern portion of the state were of light voting, but proponents of the new constitution had figured for a heavy turnout of city voters to balance an expected tide of antirevision sentiment from farm areas. The constitution runs to some 12,000 words and voters were given a choice on the issues of adopting a unicameral, or one-house legislature; abolishing the death penalty and legalizing gambling.

Missoula Vote Favors Proposed Constitution

By GARY LANGLEY
Missoula Staff Writer

Missoula County voters streamed to the polls in record numbers Tuesday, apparently nominating incumbents for general election bids to the state legislature and overwhelmingly approving a new constitution.

An estimated 70 per cent of the county's nearly 30,000 voters apparently encouraged by the constitution issue, spirited races on the state level and warm sunny weather marked ballots—but the heavy voting and computer problems during the vote count delayed tabulation.

By early Wednesday morning, less than half the vote had been counted.

In legislative races, Democratic incumbents Bill Norman and Robert Watt appeared headed for party nominations, but had to take a back seat to a political newcomer Max Baucus, who led a nine-man field for eight nominations.

Following those leaders were Marg McRae, Gary Kimble, Thomas Patterson, Wallace N. Clark and K. G. Gordon. If the trend continues, the last place holder early Wednesday, Bernard Goldman, will be eliminated.

Incumbents also appeared to be in no trouble on the Republican side, with Rep. A. L. Ainsworth leading the nine-man

ballot for eight spots. He was closely followed by Rep. William R. Campbell, Tom Haines and Missoula Mayor George Turman. Trailing them were Mills Folsom, William E. Murray, Rep. Gary Marbut. It appeared a close race between R. C. Shaver and Al Martinsen for the

last of the eight nominations. Partial returns also showed an overwhelming 73 per cent of the county's voters favoring the proposed constitution and approving the unicameral legislature, gambling and the death penalty by lesser margins.

(Turn to Page 3, Col. 4)

Computer Snafu Delays Returns

By LAWRENCE PEDERSON
Missoula Staff Writer

Early returns in Missoula County were hard to get Tuesday night as the computer system tallying Votomatic punchcards temporarily failed.

The process speeded up toward midnight after election officials set aside Votomatic computer cards from one precinct and began counting other cards.

Officials were unable to say why the computer went awry. They said that apparently some cards were slightly bent and repeatedly were rejected by the machine. That precinct, No. 24 at Willard School, will be counted last, after it has been processed through an automatic computer card reproducing machine.

The first ballots reached the computer center at Davis Bros. Inc., at 9:30 p.m. Tuesday. Two precincts slipped through the computer faultlessly before problems arose.

A computer technician was called, but was unable to rectify the problem. His work on the machine held up counting for nearly an hour. Later, the computer continued to reject cards at random, but those

had placed talcum powder on the vote cards, hoping to make them run through the machine more easily. That caused a massive delay.

In a previous primary election, there were problems because voters did not punch party preferences.

This election, precinct judges reminded voters to indicate party preference. This appeared to cause no problems this time.

The computer had been programmed not to accept votes punched on the wrong ballot card. Voters used one card for party candidates another for constitutional issues.

Wolff said there were several instances of voters using the wrong card. He said it could have been mistakes or cases of some voters trying to vote twice on either party or constitutional issues.

Some precinct judges said there were several cases of people mistakenly voting the wrong ballot. They were given new ballots.

The body of the proposed document contained provisions to keep a two-house legislature and retain the present document's prohibition on gambling. Advocates of the unicameral legislature largely gave up the active fight to make Montana the second state of the 50 to adopt a one-house legislative branch. The only one-house legislature in operation now is in Nebraska.

The unicameral supporters, seeing that the constitution was in for tough sledding on its basic merits, threw their efforts behind passing the basic document, which would be much easier to change than the present constitution. The present document has been amended 37 times since 1889 and no more than three amendments can be presented to the voters at any given time.

The state election laws built in a slow count on the constitutional proposal. The election was held concurrently with the partisan primaries but was, in effect, a completely separate election.

Voting machines, which are used in the most populous counties, were reserved for the regular primary election and all the voters on the new constitution were counted on paper ballots.

Nine delegates who signed the new constitution changed their minds and actively opposed it. Opposition came to the sweeping new powers given to the legislature in general.

The 100 convention delegates finally decided to remove an outside limit of two mills on property taxes and also left out an existing \$100,000 limit on state debt.

ry Issue Heads /oter Approval

DERSON have worked with the Urban Improvement Committee, now involved in choosing a consultant for an intensified

Bill Christiansen Appears Winner