



University of Montana
Missoula, Montana 59801
(406) 243-0211

SCHOOL OF LAW

May 23, 1972

Dr. Richard B. Roeder
Montana State University
Bozeman, Montana 59715

Dear Dick:

Last Sunday's papers brought your commentary on the proposed Constitution, so I wanted to send greetings and compliments. One of the oddities (only because I am a teacher) which I have discovered among citizens who are not at the U is that they want an explanation which is short and simple! For that reason, I think that your question-and-answer format at the end will be helpful. (If any reader gets that far, I suppose.)

While I was still at the Convention, I decided to maintain thereafter the same low profile, because I thought that the best way to serve the objective interests of the people. The sometimes bizarre developments since have placed some strain on my resolve, but it persists. I have not refrained, however, from offering personal and private strong support of the 1972 version when asked.

When persons have asked me for a brief rundown on the proposal, I have referred them to the "blue" lines in Diana Dowling's (and your subcommittee's) opus; now I will be able to add your Q-and-A portion. The recent news releases concerning opposition suggest to my poorly informed judgment about a 50-50 chance of passage. But a long time ago, I learned to take comfort(?) in the aphorism: "People get the kind of government they deserve."

I have very warm memories of my time in Helena, and especially of the people associated with Style and Drafting. My conviction that only they knew what was going on most of the time strengthens with time.

Very truly yours,

A handwritten signature in cursive script that reads "Gardner".

Gardner Cromwell
Professor



AGC NEWS

The Associated General Contractors of America, Incorporated
P. O. Box 1717, 1717-11th Avenue
Helena, Montana 59601

PHONE 442-4162

J. W. MARLOW
SECRETARY-MANAGER

May 24, 1972

TO: ALL MEMBERS AND ASSOCIATE MEMBERS,
MONTANA CONTRACTORS' ASSOCIATION

Opposition to the proposed Constitution has been voiced by your Board of Directors. While this opposition is not confined to a certain group of Sections and Articles, it definitely includes the watered-down proposal of the anti-diversion amendment, the "third party suit" provision, and the revenue and finance section, including removal of the state-wide 2 mill property tax limitation. Our list of objections could go on and on. In order to inform our membership and the public we are planning a series of TV programs around the State, and hope you will look for and watch the one in your area. The program, entitled "The Big Decision" was produced by the Montana Farm Bureau in cooperation with many other organizations and individuals who are concerned about some major provisions of the proposed Constitution.

Here is the schedule for TV SHOWING:

May 26th, KGVO, Missoula KTVM, Butte KCFW, Kalispell	7:30 - 8:00 p.m.
May 26th, KYUS, Miles City	8:30 - 9:00 p.m.
May 28th, KULR, Billings	6:30 - 7:00 p.m.
May 29th, KBLI, Helena	7:30 - 8:00 p.m.
May 31st, KFBB, Great Falls	9:30 - 10:00 p.m.
June 1st, KOOK, Billings KPAX, Missoula KXLF, Butte KRTV, Great Falls	6:30 - 7:00 p.m.
June 1st, KKGN, Glendive	6:30 - 7:00 p.m.

In addition to the above, we are using the services of a professional advertising agency to disseminate further information to the public by radio and newspaper advertising.

We feel sure that after carefully evaluating the pros and cons brought out by this program, that you will agree with your Board of Directors and vote against the proposed document.

M E M O R A N D U M

Re: TV PANELS:	May 31, 1972	Missoula	(KGVO)	8:00 - 10:00 P.M.
	June 1, 1972	Great Falls	(KFBB)	7:00 - 9:00 P.M.
	June 2, 1972	Great Falls	(KRTV)	7:00 - 9:00 P.M.
		(Simulcast - Blgs., Butte)		
	June 3, 1972	Billings	(KULR)	8:00 - 10:00 P.M.
	June 4, 1972	Helena	(KBLL)	6:30 - 8:30 P.M.

I.

Directions for TV Stations Involved

1. Studio setups should be like, or similar to the diagram attached.
2. Equipment: Five lavalier mikes plus mike for announcer; at least two incoming telephone lines; desk or coffee table for announcer; desks for telephone answering; no table or desk in front of delegates. Sage Advertising should have supplied supers for panel members.
3. Format: Open on Panel leader who will explain setup and procedure; pan to announcer who will introduce Panel members and indicate supporting telephone backup, list telephone numbers, etc.; announcer will read questions and allow any delegate to answer. More than one delegate may answer. Answers to be short, concise. Announcer to avoid personal discussions and get out as many questions as possible.
4. Breaks: We expect the station to take one-hour and one-half-hour breaks but, in addition, we want one-quarter hour breaks. The announcer should, at an appropriate time, simply say we have to stop for a station break (or a commercial) but we will be right back in a minute. We have authorized the sale of at least six additional 30's, if the station desires, at no refund to us, which may run on these one-quarter-hour breaks, and may double up on the one-half-hour breaks.

II.

Directions For Panel

1. The purpose of the Panel is to get out as much information as possible, with short, snappy answers. The Panel members should carefully refrain from long answers but should give clear-cut information in response to the questions.
2. The Panel members should feel free to answer any question, or disagree, or correct other delegates. Some controversy among the Panel is expected, and will actually increase viewer interest.
3. After station breaks Panel members should try to start on new topics so as to cover different areas, depending, of course, on the questions.

4. Panel members should answer toward the camera some of the time, but can discuss or answer toward other Panel members or the announcer part of the time, to allow different camera angles.
5. Again, keep answers short, since the volume of information conveyed, as well as viewer interest, depends almost entirely on short, snappy answers.
6. In some stations shared mikes may be necessary. The Panel members sharing the mike should work out an arrangement so that this is done alternately, sacrificing the right to answer sometimes, if necessary.
7. A pleasant, affirmative, completely candid and person-to-person attitude should be used whenever possible.
8. From time to time, on breaks, or even otherwise, delegates certainly may signal the Coordinator for a glass of water or other assistance.

III.

Directions for Support Members

1. Support members should rotate, perhaps at the hour break, so that each spends some time on the studio telephones. Support members may man telephones in the outer office to increase our answering ability.
2. Telephone answering should be as follows: "Good evening, Constitutional Convention Panel. This is _____, a delegate to the Convention."
3. Delegates should listen to the phoner's question or point and then frame an appropriate, brief question covering the matter. The main point of the delegate answering is to reduce and simplify the question. Initially, many of the questions will be general; later on some of the questions may be specifically directed or refer to program discussion.
4. The delegates should write the question on a 3x5 card, indicate the town if the call is from out of town, and any other pertinent information, but the question should be kept simple and easy for the announcer to read. Use black pens, typewriter or other readable materials.

5. As the program progresses and the number of calls increases, answerers may explain that a given question has already been asked and refer the listener back to the program. There will undoubtedly be persons who wish to talk about an issue, and after a goodly number of cards have been prepared, telephone answerers should feel free to briefly discuss the answer with the callers, identifying themselves as delegates and otherwise attempting to satisfy or answer comments or questions raised by the callers.
6. Long distance collect calls will be accepted; keep them within the 3-minute limit.

IV.

Coordinator

1. The Coordinator is really a director of the program. He or she should be aware of the studio setup and assist the station and the Panel prior to air time.
2. The Coordinator should collect the cards, skim them, eliminating obvious duplications and unintelligible questions, and pass them on to the announcer. The Coordinator may suggest by order the better or more important questions. The Coordinator certainly may be up and about, talking to the announcer and on camera in the background at any time.
3. The Coordinator will caution by note any delegate talking too long, and may otherwise make written suggestions to the Panel or announcer, or suggestions during the break.
4. In the event of an absence, the Coordinator should substitute or provide appropriate substitutes.
5. The Coordinator should not forget the telephone answering done off camera out of the studio.
6. The Coordinator should have at least a pack of 3x5 plain cards available for the show.
7. The Coordinator should get the group together at least an hour before air time and talk over the format procedure and setup thoroughly with them.

Telephone
desk

Support
delegate

Telephone
desk

Support
delegate

Delegate

Del.

Lead
Delegate

Del.

Del.

Coordinator

D

desk
or table

D

Announcer

Camera

Telephone
desk

D

Support
delegate

Off-studio
Telephone
Support

Box 107
Big Timber, Mont
May 25, 1972

Dear Dr. Roeder,

I was wondering if it might be possible to have you come down to Big Timber and talk to a group of Democrats on the new Constitution. I realize this is very short notice to ask you to come. I truly understand if you weren't able to come.

We have had a combined meetings with Dem. & Rep. However, they rather have been a farce. There are still so many misconceptions that I felt maybe a different person with a different approach might help clear some of these ideas up.

Anytime you are able to come will be finer. If you can come please call me collect at 933-2231. We would really appreciate you coming.

Sincerely
Jan Croton
Dem. County Chairman

MRS. R. M. LOCKWOOD
1207 EAST CURTISS STREET
BOZEMAN, MONTANA 59715

July 20, 1970

To the Con Cou Delegates from Gallatin County:

The delegates to the Constitutional Convention worked diligently and conscientiously to write a document to replace Montana's present Constitution, and are to be complimented for their efforts. There are many features, if adopted, would make the proposed Constitution better than the present one.

However, I have decided to vote "against" because of one item that I consider to be so serious that it outweighs all the good points. This is Article X, Section 7, the last sentence of which reads "No person shall be refused admission to any public educational institution on account of sex, race, creed, religion, political beliefs, or national origin."

As I interpret this statement, it would open up our educational institutions to the "Angela Davises" to serve on school and college faculties, with Constitutional approval. In a short time the "William Kunstlers", the "Melvin Bellis", and even the "Timer Moses" would prove, to the satisfaction of the courts, (presently often extremely liberal) that Communists are eligible for employment. This type of person could soon overwhelm our educational processes.

An analagous situation might be furnishing an "improved" diet to an undernourished child: adequate cereals in place of candy, milk in place of soft drinks, red meats in place of macaroni, ample vegetables for vitamins, and the necessary minerals and trace elements. In addition, this "improved" diet would include a small quantity of arsenic every day.

No one will deny that cereals, milk, meat, vegetables, and vitamins are much better than the woefully inadequate diet previously eaten by the child. However, I believe that the small amount of arsenic, (even though it is only one bad item among a large number of good ones), is sufficiently deadly that the whole diet should be rejected. Undernourishment is probably preferable to death by poison.

MRS. R. M. LOCKWOOD
1207 EAST LINDSAY STREET
BOZEMAN, MONTANA 59715

There are several items in the proposed Constitution that, if adopted, would open up Pandora's box, but the one I specifically mentioned is serious enough to convince me to vote "against" and to suggest to anyone who might ask my views that he also reject it.

I have appreciated the opportunity of attending meetings at which you have discussed the proposed Constitution, and thank you for giving so generously of your time and efforts.

Sincerely,



Helen (Mrs. R. M.) Lockwood

Livingston, Montana
May 26, 1972

Dr. Richard B Roeder,
Montana State University
Bozeman, Montana.

Dear Dr. Roeder:

A few days ago, you in company with Mrs. Bates and attorney Berg spoke on KPRK signed off the program by some remark relating to the Federalist Papers. I took it to relate ~~me~~ my position stated against the 1972 proposed Constitution synonymous to the authors of or factions concerned in the papers. If you intended to place me in the position of the factions dealt with be Hamilton, Madison and ~~of~~ Jay, you interpreted the papers differently than me. Many years ago I studied and read and reported on the papers at a little old school, the Uni. of Nebraska. Then as now, I considered the papers an outstanding theories of government and in the defense of the U. S. Constitution which was to create a republic. The "factions" against the document, you ma recall, were the deep concern of the authors. The factions were divided in their support of creating some form of a monarchy; re-alignment with the King; and absolute monarchy; one of the many forms of a democracy; no constitution; anarchy, but certainly against a republic. It is my impression that you and some of your co-workers are promoting some form of a democracy, but certainly the remaking of the republic. The authors defined at length their definition of a democracy and a republic. It is apparent that you are attempting to form a democratic republic. The is not nor can there be such a creature.

Madison, Hamilton and Jay pointed out the dangers of and weakness of the various forms of a democracy. They were correct. They feared the result of the continued attacks of the "factions" against the republic as provided in the Constitution. Franklin commented that he feared Hamilton and Madison were much too "idealistic and patriotic to foresee the main fallibilities of the "factions" and did not contemplate the future attacks to be made upon the republic in favor of democracy, in which event the republic would fall and democracy become a directed socialist state, which would end in confusion and revolution. Dr. we are well on the way.

The Supreme Court of the U. S. has disrupted the franchise of the people in their "one man, one vote" decision and which Montana amended its present Constitution, and your delegation has continued and enlarged upon, by voting districts. Counties, subdivisions of the State allowed by the U. S. Constitution have been abolished as voting entities. Districts have no relation to representation by population or social differences.

Your document provides for a democracy ^{IN} the Section providing for "participation" of the public in the deliberations of public agencies only opens the door to the confusion of riff-raff

.2. Dr. Roedar

rioters from off the streets and campuses, that will prevent any deliberation or action by the elected officials.

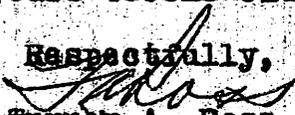
You force public agencies within the State to make a choice each ten years of a change in their form of government. Providing confusion within the agency, but an opportunity for political activists to organize sentiment to their propaganda. You require each twenty years the revision or its consideration of the Constitution in part or in whole. Each of these items are now possible in accordance with the present Constitution of Statutes of the State. You have usurped the right of the legislature by legislating instead of guidance. There are other sections as disruptive to society, but the above should be sufficient to make my position clear. Your forums have consumed much time on the subject of taxes to divert attention to the real purpose. Mr. Martin delights in villifying the legislature, knowing that the public thrives on demagogory, evading the fact that the people themselves are at fault by electing opposing houses and executive. Your provisions will not eliminate this condition.

Though the authors of the Federalists Papers signed their writing by the nom de plume, "Publius", you have been able to demonstrate a form of "democracy" by causing three people to lose the jobs in Bozeman for the same privilege used by Publius. At the same time your organization distributes "educational" materials signed by "Concerned Citizens" etc. aiding your efforts from funds of the Educational Fund Title I.

I was a "drop out" from Nebraska to enlist in helping Woodrow Wilson save the world for democracy and Franklin D to make democracy work. I wasn't drafted, nor do I regret that I was unable to go back to Nebraska. So don't become discouraged in your efforts to change the form of government, you have lots of help and opposition dares not organize. And, the people will give their freedom for the promise of favors. They will weep tomorrow.

Please overlook my efforts to control this infernal machine. Fingers, after seventy-five years become clumsy.

Respectfully,


Turner A. Ross



ROBERT KELLER
PUBLISHER

JOHN SULLIVAN
MANAGING EDITOR

FRED J. MARTIN
EDITOR

PHONE (406) 222-2000 * POST OFFICE BOX 665

LIVINGSTON, MONTANA 59047

May 29, 1972

Editor, The Great Falls Tribune:

Robert E. Miller, a newspaper colleague for nearly 40 years and an ardent advocate of the "right to know", didn't put all his cards on the table in his Saturday letter to the Tribune. Bob implies that only letter writers to the newspapers oppose the 1972 Constitution, suggesting that "...Apparently everyone in the state is free to speak his mind on the new document except those who oppose it...."

Would the recipients of the Montana Taxpayers Association publications, news releases and "Guest Editorials" sent to the newspapers have any notion that the Montana Taxpayers A. releases are unbiased? Certainly, Keith Andersen, executive vice president of the Taxpayers A., didn't deny that he was one of the prime movers to speakhead the April 22, 23, 24 "smoke filled room, off the record" meetings of the Montana Association of Trade Executives at Helena to initiate the opposition.

The blueprint of opposition has resulted in a flood of Anti-Constitution information with the Montana Farm Bureau as one of the "fronts".

Bob Miller is the editor and publicity representative for the Montana Taxpayers Association. He also wears another hat as secretary of the Montana Press Association and in that capacity writes a column for Montana weekly newspapers. Could there possibly be a conflict of interest?

My own conviction, as a delegate to the Constitutional Convention, is that the dedicated delegates took the hypocrisy out of the Constitution, gave the people the right to know, pinpointed responsibility and endeavored to recognize that "all political power is vested in and derived from the people", not in special interests in or out of government.

Fred J. Martin, Livingston

Guest Editorial, Bozeman Daily Chronicle and Livingston Enterprise

By Fred J. Martin, Livingston

Delegate, District 11

Montana Constitutional Convention

The 1972 Montana Constitution returns to the people and their elected officials the rights to govern themselves, rather than by direction of special interests or a combination of them within or without government.

It substitutes simple, direct language, rather than legalistic interpretations of the 1889 Constitution. The new constitution eliminates the need for ~~big~~ hypocrisy.

For instance, the 1889 two-mill levy limitation for state purposes resulted, in the case of legislative directives, of a "PERMISSIVE" levy, without benefit of a vote of the people, for school districts to levy more taxes to finance the STATE's deficit for the School Foundation program. This, in Park County and Gallatin as well, was many, many more times the restricted two-mill levy. Just one of many instances of legislative, executive and judicial trickery resorted to to meet the needs of government in an ever changing world.

In the face of a \$100,000 state debt limit in the 1889 Constitution, how does it happen Montana's current debt, as reported by State Auditor Sonny Oholt, exceeds \$85,000,000, of which considerable less than one per cent was voted on by the people?

The preliminary Legislative Council studies, Constitutional Committee and Constitutional Commission reports recognized the need for a new updated document with unmistakable directives to Executive, Legislative and Judicial powers to carry out the basic premise: "All political power is vested in and derived from the people...", which was a part of the 1889 Document.

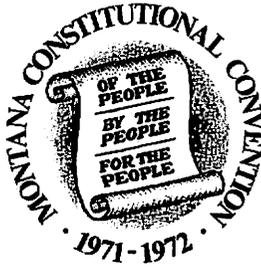
Montanans, as the history these past 83 years reveals, have learned the hard way what it costs to permit manipulation of their government, yes even the entire economy, to groups of special privilege power seekers. Yet, the overwhelming majority of Treasure State residents want nothing more than an even break.

The 1972 Constitution puts government, including such agencies as the Montana Highway Department, on notice that "power" rests with the people. Your vote on June 6 will decide whether YOU ARE THE BOSS in a quickly-changing atomic age or whether you want to be governed by a "horse and buggy" 1889 Constitution. What you do with your vote, your tool for progress, is up to you. Your delegates did their best.

XXXXXX

Dick: Send yours to Walt Secor and me as soon as TODAY?

fjm



MONTANA CONSTITUTIONAL CONVENTION
STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

Midnight
May 31-

Dear # 79

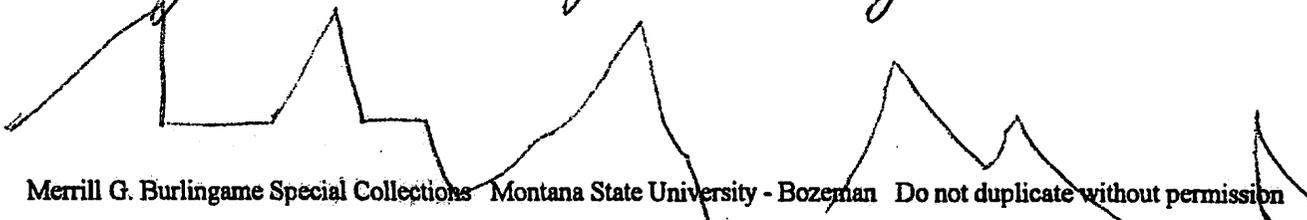
In one more minute I'll be 25 years old - how dreadful!

Anyway - how are you? The in just finished our telethon and what a smashing success! We couldn't get all of the questions answered. The panel was great.

I can hardly wait for ours. Besides I can hardly wait to see you again.

I tried calling you via hot line last week to tell you how terrific the insert is. You really outdid yourself. I just wanted to give you a big hug when I saw it. Really great.

Sarahy said you are really tired. (your well-being was the first question I asked of her.) I'll be really glad when this is finished - I feel optimistic about its passing tonight. I'm generally like this:

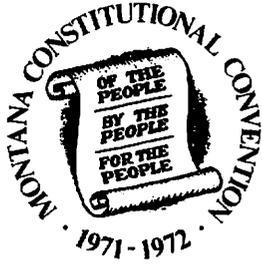


When I see the film I really
get nostalgic - there are
some good shots of you.

I've been awfully depressed
about Carman - what a tragic
loss to humanity. I can't help but
think of the song "it seems like
good - they die young" is just all
too real.

Dick — take care. I can
hardly wait to see you
Sunday.

Love & Kisses
Dae Dan



MONTANA CONSTITUTIONAL CONVENTION
STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

May 31, 1972

To All Delegates:

JOHN H. TOOLE
First Vice President

We are scarcely in a financial position to do battle with the onslaught now being waged against us by opponents to the Constitution. Once again we must call on the dedicated Delegates. Here are some of the things we must do in the closing days.

COMMITTEES

Chairman
Public Information
Administration

Member

Education &
Public Lands

1. If you have the film, have it set up in banks, shopping centers, hotels and other public places to be run continuously. The League of Women Voters will help with this.
2. Canvass house to house. Use and distribute flyers. We have no flyers of our own, but AFL-CIO, League, and Common Cause have flyers available.
3. Organize a "Get Out To Vote" campaign. AFL-CIO is supposed to be doing this but where they are not active, we'll have to do it.
4. Make 2 minute news film clips for TV stations. They will take them.
5. Watch opposition TV carefully, try to arrange for a rebuttal. If opposition is on public service, be sure to ask for equal time.
6. Opposition "Letter to Editor" campaign is very insidious. It is not too late to organize our own, but it must be done immediately.
7. Determine effect of Statewide school levy on your district as a result of Dolores Colburg study. If it's favorable, give it broad and immediate publicity.
8. Be sure to get maximum number of testimonial ads in your local paper.
9. There will be no Citizen's Committee meeting this coming Friday.

Good Luck and God Bless You,

First Vice President

STATE OF MONTANA

SUPERINTENDENT OF PUBLIC INSTRUCTION

HELENA 59601



DOLORES COLBURG

May 31, 1972

To: "File" Recipients

From: Dolores Colburg *Dolores Colburg*

Enclosed is the final insert for inclusion in the "Montana Constitutional Convention Instructional Idea and Resource File." Although this mailing will arrive late in the school term and, in some cases, after school has been dismissed, we thought you might appreciate completing your "File" contents with the recently published tabloid.

Additional copies of the "File" are available on request and will be available during the 1972-73 school year.

DC:el
Encls.



MONTANA CONSTITUTIONAL CONVENTION INSTRUCTIONAL IDEA AND RESOURCE FILE
A PROJECT INITIATED AND COORDINATED BY DOLORES COLBURG, SUPERINTENDENT OF PUBLIC INSTRUCTION

32

TITLE: "The Proposed 1972 Constitution" Tabloid
SOURCE: Community Services Programs (Title I of HEA) and Concerned Citizens for Constitutional Improvement

Attached is a copy of a public information tabloid distributed May 21 in Montana's daily newspapers. Copies were made available for inclusion in the "File" by Dr. Pierce Mullen, director of the project that published the tabloid.

Copy

Bozeman

Mont. 59715

Just fill in all the information
asked for and mail to

Montana Democratic State Central Comm.

P.O. Box 802

Helena, Mont. 59601

As a participant in the Montana Demo-Matic Plan, your pledge to a strong Democratic Party will be met through an automatic withdrawal from your checking account as per your agreement. You may cancel your pledge at any time by contacting the office of the Montana State Democratic Central Committee, Box 802, Helena 59601 (442-9520) or by withdrawing your bank authorization.



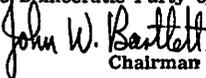
INDEMNIFICATION AGREEMENT

TO: Bank named on the reverse side

THE MONTANA STATE DEMOCRATIC COMMITTEE AGREES THAT:

1. It will indemnify you and hold you harmless from any loss you may suffer in connection with any debit memo, draft or order purporting to be executed by it and received by you in the regular course of business, including any costs, expenses or attorney fees reasonably incurred.
2. In the event that any such debit memo, draft or order shall be dishonored whether with or without cause, and whether intentionally or inadvertently, to indemnify you for any loss.
3. To defend at our own cost and expense any action which might be brought by any depositor or any other persons in any manner arising by your participation in this plan of contribution collection.
4. It will refund to you any amount erroneously paid to it by you on any such debit memo if claim for the amount of such erroneous payment is made to you within twelve months from the date of the debit memo on which such erroneous payment was made.

Authorized in a resolution adopted by the State Executive Committee of the Montana State Democratic Party on November 12, 1971.


Chairman


Treasurer



CONCERNING THE PROPOSED STATE CONSTITUTION

DID YOU KNOW ?

DID YOU KNOW . . . That the proposed Constitutional Oligarchy will increase State taxes by an estimated 48.6%?

DID YOU KNOW . . . That the proposed Constitutional Oligarchy will create additional welfare areas that would also bring about a demand for a STATE SALES TAX?

DID YOU KNOW . . . That the proposed Constitutional Oligarchy will bring about a requirement for a substantial INCREASE IN PERSONAL PROPERTY TAX as well as state CONFISCATION OF ALL WATER RIGHTS?

DID YOU KNOW . . . That the only way you can vote FOR your present Constitution is to vote AGAINST the proposed Constitutional Oligarchy?

FOR the proposed Constitution

AGAINST the proposed Constitution

For further information write: Larry McCurdy, P.O. Box 347, Hamilton, Mt.

MONTANA RANKS:

A low — 35th in personal income
The lowest — 50th in economic growth

MONTANA PAYS:

2nd highest property tax
3rd highest income tax
8th highest taxes over-all
in the nation

(U. S. Dept. of Commerce Figures)

♦ ♦ ♦

CON CON REMOVED ALL LIMITS ON
STATE AND LOCAL TAXATION AND
OPENED THE DOOR TO UNLIMITED
STATE AND LOCAL DEBT.

♦ ♦ ♦

THE PROPOSED CONSTITUTION
WILL PROVIDE UNLIMITED TAX-
ATION BY THE LEGISLATURE!

♦ ♦ ♦

Montana is a high tax
low income state

♦ ♦ ♦

Does UNLIMITED TAXATION and
UNLIMITED DEBT
make sense to you???

PROPOSERS CLAIM . . .
THIS IS A PEOPLES CONSTITUTION
— YET THE NEW CONSTITUTION
REMOVES YOUR MOST BASIC
RIGHTS!

What happens if the new Constitution
passes?

1. The 2 mill limit on a property tax for state purposes is entirely eliminated.
2. The legislature, by a two thirds vote, can create a state debt.
3. The limit on local government debt is removed.
4. The legislature will decide what property to tax and how much.
5. All reference to state and county boards of equalization are deleted and "the STATE shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law."

NOTE: All valuations will be by state personnel in a state agency, including city and town property and ALL RURAL AND AGRICULTURAL LANDS.

♦ ♦ ♦

R E M E M B E R !

"THE POWER TO TAX
IS
THE POWER TO DESTROY!"

THE PRESENT MONTANA CONSTITUTION DOES NOT PREVENT US FROM FUNDING SCHOOLS OR ANYTHING ELSE ON A STATE WIDE BASIS — IT ONLY PREVENTS THE LEGISLATURE FROM TAXING US WITHOUT OUR PERMISSION.

Here is What the Present Constitution Says:

IN REFERENCE TO PROPERTY TAX:
(ARTICLE XII, Sec. 9)

"The rate of tax on real and personal property . . . shall never exceed 2 mills on each dollar of valuation, **unless the proposition to increase such rate, specifying the rate proposed and the time during which 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 at such election . . .**

♦ ♦ ♦

IN REFERENCE
TO THE INCOME TAX:
(ARTICLE XII, Sec. 1a.)

"The legislative assembly may levy and collect taxes upon incomes . . . for the purpose of replacing property taxes."

THE EXISTING CONSTITUTION
**PROTECTS THE PEOPLE FROM
GOVERNMENT!**

THE PROPOSED CONSTITUTION
**PROTECTS THE GOVERNMENT
FROM THE PEOPLE**

UNDER THE NEW PROPOSED CON-
STITUTION, MOST POWERS ARE
DELEGATED TO THE LEGISLATURE

Let us use our freedom wisely and not give our local and state taxing bodies a blank check to increase mill levies and impose unlimited taxes on our property without a vote of approval by the people.

Circulated by:
Montanans For Citizens' Rights
Sue Quayle, Secretary

YOU
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INFORMED
VOTER

MEMO ON REVENUE AND FINANCE ARTICLE OF THE PROPOSED CONSTITUTION

QUESTION: Why did the Convention delete from the proposed Constitution that section of the old Constitution which placed a limit of two mills to be levied on property for State purposes?

ANSWER:

Speaking generally, the Legislature has the right to impose three basic taxes, the property tax, the income tax, and the excise tax. Relative to the last two, income and excise, which is actually a sales tax, there are no restrictions in either Constitution, new or old, of the amount of income tax that can be levied or the amount of sales tax which can be levied. Elimination of the two mill limit puts the property tax then in the same status as the other two sources of revenue. This, however, is not the reason the two mill limit was removed. It was removed for reasons of tax equality involving taxes to support the school system. Courts in other states have decided under the equal opportunity clause of the XIV Amendment of the United States Constitution each state is required to provide an equal educational opportunity for each child in the State. I have no question that these Courts decisions are right in interpreting the U.S. Constitution. The Courts have said that it is not equal educational opportunity when one school district must levy 30 mills to spend \$600.00 per student and another school district levies only three mills to spend \$1500.00 per student and that one of the criteria of an equal education should be similar amounts spent per student and in those districts which have to levy a large number of mills to educate their children there is naturally going to be a tendency to not vote adequate millage. In as much as it is the State's responsibility to provide the equal educational opportunity to each child, the State will probably have to levy an equal state-wide tax to finance all schools. With the two mill limit, our legislature now would only have the right to increase the income tax or put on a general sales tax, or both. Presently approximately \$90,000,000.00 of money spent for schools in Montana is raised by local property tax levies. If this had to be raised on a state-wide basis it would require approximately 95 to 100 mills, which would be imposed on the state level but there would not be any local levies for schools. However, if the two mill limit is left in, this money could not be raised by a state-wide property tax levy, but would have to be raised by an income tax, which would be about 2½ times what we are now raising by the income tax, or roughly an eight % sales tax, or a combination of the two. If schools are totally supported by income tax or sales tax, a great tax inequity would arise. Generally, 2/3 of our property taxes now are for schools. This would give some taxpayers, such as transportation companies, a 2/3 reduction in their taxes. Most of these companies aren't paying any corporate license taxes, except the minimum of \$50.00. They would receive a great tax break if all schools had to be supported by the income or the sales tax. We have left it up to the State Legislature to decide how they will raise the school taxes.

I have heard some criticism that under the new Constitution the legislature might balance their budget by levying a property tax. This is nothing new. They have done it approximately for the last ten years by property taxes anyway. How have they done it? They haven't raised the state's share of the school foundation program which is paid by the State to each School District and in some years they have shorted their share of the foundation program by over 20% and they have done this in order to balance their budget. When this happens, when they fall short, that shortage that the state fails to provide to the foundation program, has been made up by local property taxes. Local government has had to raise the local mill levies to finance the state's deficiency. The new Constitution provides such responsibility to be the legislature's. That's where it belongs.

QUESTION: Why does the proposed Constitution provide that the State shall assess, appraise, and equalize values of property for tax purposes?

ANSWER:

Over ten years after the enactment of the Classification Law, there are still counties in Montana which have not equalized their property values with the rest of the state. The primary responsibility for the assessment and appraisal of property is with the county with the State Board of Equalization having general supervisory powers. This requires the State Board to bring a law suit against counties to equalize values if they refuse to do so. By keeping their valuations low they pay less because of the state wide levies now imposed for the university system, and they receive more money back than they would otherwise from the School Foundation Program. When Serrano vs Priest, noted above, is put into effect, these discrepancies are ballooned, the less your valuation, the more state money you will receive to support all of your educational system. Equity required a change be made but Serrano vs Priest made it imperative. By making the state responsible, the state, through whichever administrative agency the Legislature wants it to be done, has the primary function of valuation.

Because the state would have the function of valuation, a separate, independent appeal procedure was provided for. Presently, the same administrative person or body, who sets or supervises the valuations in the first place, also sits in judgement on appeals, which is wrong. The new Constitution requires that a local appeal procedure be made for any valuations set by the State agency. If the legislature in setting up the facilities to appraise the property and the appeal procedure uses local officials it will not add much to the cost. There is no reason the legislature can't designate the County Assessor as its local agent for the appraisal of property. There is also no reason the Board of County Commissioners couldn't be set up as the local appeal board as they are now, but if they had this assignment they could not have anything to do with the original appraisal.

QUESTION: The new Constitution eliminates the requirement that any tax on minerals must be by net proceeds tax. Why was this done?

ANSWER: The old Constitution required that you could not levy a property tax against minerals in the ground or in place. The only way you could levy a property tax on them was after they were brought to the surface and extracted - then a net proceeds tax would be levied in lieu of the property tax. The net proceeds tax would apply the millage against the value of the minerals on the surface, after deducting therefrom the direct costs of extracting those minerals. Minerals could also be taxed by a gross proceeds method which is also being done at the present time but that money goes into the state treasury. The net proceeds tax goes into the county treasury. In 1970, 39 counties received net proceeds taxes on a valuation of approximately \$90,000,000.00 of minerals. It has been said that these counties by the passage of the new constitution, which does not require a net proceeds tax on minerals, could lose these taxes, and have the taxes paid directly to the state through a gross tax. This is just a great big smoke screen because the legislature can also do it now under the old constitution. Minerals, as they are brought to the surface, are classified at the 100% of their value under the classification statute. The legislature can change the value of the minerals from the 100% classification down to 1%. When this happens and you applied the millage against that value, it is in essence practically a 100% reduction of the taxes payable to the counties. The Anaconda Company wanted to keep this Section in the Constitution. Some of the oil companies wanted to keep it as it is and some oil companies wanted to leave it out. We removed it to give the discretion to the legislature as to how they wanted to tax minerals, in place, by net proceeds, or by gross proceeds, or by a combination of the three. There is something to be said for taxes on minerals in place from an economic development point of view.

If mineral lessees decide that they will hold the leases on the minerals situated in this state and go produce the minerals in another state, the legislature of Montana under the new constitution can tax those minerals in place and not allow them to keep them in reserve without paying something to the state.

None of us like any type of taxes. Any taxes that are levied we would like to have fair and equitable. Since taxes, and the effect of taxes, are really a complicated matter and change with the times, this should be left to the legislature for the legislature has the proper background to devise the tax structure of the state. If the people don't like it they should vote out the legislative members that enacted the system, but it would be presumptuous for a Constitutional Convention to limit the authority of the legislature as to how to arrive at a fair and equitable tax picture for the state. We just don't know what the situation will be ten to twenty years from now (or even one year from now because of court decisions).

One of the farmer-rancher members of our committee stated, "What the Revenue and Finance Article does is unlock the gates of the ranch. It doesn't open them but it takes the padlock off, and everybody knows you can't efficiently operate a ranch without some gates that can be opened."

ANTI-DIVERSION AMENDMENTS

The theory of Anti-Diversion Amendments is that taxes derived from highway use should go to the support of highways. There is some opposition to this theory which contends that the legislature (as the responsible branch) should have the right to decide how tax revenues are to be spent without any restrictions from the constitution. The reason these Anti-Diversion Amendments are put into a constitution is that state legislatures at times, in order to balance the budget, do use taxes derived from highway use for other purposes. The theory of non diversion carried to its natural conclusion would bring you to the conclusion that taxes on beer and alcohol should be used for the rehabilitation of the alcoholic and his family, and on tax of cigarettes for cancer and heart disease.

Both the present and the proposed constitutions have anti-diversion clauses. Here are the differences.

1. The proposed section is much more readable and understandable than the present section.
2. There is no mention in the new section as to the registration, operation, or use of vehicles on public highways. This was done specifically to allow the legislature in its discretion to tax motor vehicles by a registration tax in lieu of a property tax. Under the present constitution if this was done the tax monies would have to go to the highway fund. Under the proposed constitution, a flat registration tax can be levied and can go to the counties, school districts, and so forth, in lieu of the property tax. The purpose of this is that cars and motor vehicles are very mobile and are used all over the state. Because of that mobility supporters contend there is no reason why the property tax should be large or small, depending on the school district in which the owner ostensibly resides. The removal of this language from the old section does not mean it would automatically be done that way but it does give the legislature the right to do it that way. This was supported by the auto dealers association.
3. Also left out was the word excise as it was used in the old section. This wording required that the new car sales tax be put into the highway fund. Actually, the new car sales tax was enacted in lieu of the property tax for the first year but has not gone to the local governing districts as a property tax. The omission of the word excise allows the legislature to allocate the first year sales tax as a property tax as originally intended.
5. New section 6 also allows this money to be used for highway safety purposes—essentially the Highway Patrol, and for drivers education costs and tourist promotion.
6. The last is a major change providing that revenue from highway sources may be diverted for other purposes by a 3/5 vote of the members of each house. Thus in a 100 member House 60 must vote to divert regardless of the members actually present. This allows the legislature some control over the highway department. Many persons testified to the unresponsiveness and bureaucracy of the highway department and the need to make them responsible to the legislature. The powerful highway users lobby should keep the legislature responsible. so that these funds will not be recklessly diverted.
7. State highway tax money amounts to over 35 million a year, about half of which is needed to match federal aid programs. There is little chance of losing federal aid for the lack of matching funds.

RUSSELL C. McDONOUGH

On June 6 you can vote FOR the new constitution or AGAINST it.

If you vote against it, you automatically vote FOR the present 1889 constitution.

Consider carefully what that means.

A vote against the proposed constitution is a vote for:

1. A legislature that can meet no more than 60 calendar days every two years (probably the single biggest issue in causing the Constitutional Convention to be called).
2. A legislature that cannot call itself into session even though the need is great.
3. A legislature where votes in committee and in the Committee of the Whole are not recorded, and where the citizen cannot know how his representative actually votes.
4. A legislature where committees may meet in secret and the citizens cannot even hear their own public business discussed.
5. Multi-member legislative districts instead of single-member districts. (In Yellowstone & Cascade Counties, for instance, a voter now has to choose between at least 36 candidates for House & Senate).
6. A legislature that is forced to try to reapportion and redistrict itself, with deadlocks, gerrymandering, and court appeals often resulting.
7. A legislature that is always subject to having its bills vetoed by a governor who can simply put them in his pocket and forget them at the end of the session; he never even has to say what he is opposed to.
8. A legislature that cannot adjourn and meet again during its term without starting all bills over from scratch.
9. No way for the people by "initiative" to amend the Constitution.
10. No constitutional backing for water claims that will allow Montana to claim its fair share of the water which flows out of our state. If we don't have strong claims legalized in our own state law before 1978, downstream state claims will restrict our amount of water use forever.

11. No provision guaranteeing all existing rights to water use.
12. No possibility of a real "small claims court". We will be stuck with J. P. courts that have a \$300 limit in the old constitution, with no requirements for J. P. qualifications or training or salary.
- ~~13.~~ No consumer counsel to represent customers at hearings of the public service commission.
- ~~14.~~ Forcing all welfare burdens on counties.
15. No guarantee of control of schools by local school districts.
16. No "right of privacy" guarantee.
17. No "right to know" guarantee.
- ~~18.~~ No right to clean and healthful environment.
- ~~19.~~ No adult right for 18 year olds.
- ~~20.~~ No "rights of children" clause.
21. No guarantee of "secret" ballot.
22. A tax article that says that mining property may never be valued at more than the price paid the United States (usually from \$2.50 to \$5.00 an acre). Try to get that deal on your property!
- ~~23.~~ A tax article that taxes mining corporations on their "net proceeds" only, after all other expenses.
24. A tax article that sets up a system where some of the largest corporations only pay a \$50 license each year AND NO INCOME TAX.
- ~~25.~~ A tax article that may force Montana to go to a sales tax of about 8¢, or an income tax 2 1/2 times the present high one, if the U. S. Supreme Court decides that taxes for schools must be levied by the state in order to assure equalization. Property taxes now levied by counties would have to be replaced by state taxes, and if the current "two mill levy" is maintained in the constitution the state cannot use an equalized property tax. It must go

then to sales and income tax increases. (Incidentally, large corporate holdings which pay no income tax would then be free of the only taxes they pay, county levies).

26. A \$100,000 debt limit that has caused the state to get around the constitution by bond issues (now at well over \$100 million) which force the state to pay higher rates of interest. Every year Montana loses another million dollars because of this one 1889 requirement alone!
27. Mandatory tax on all personal property, including bank accounts. This law is simply overlooked in many places now.
28. No place to appeal tax grievances about appraisals except to the same agency that made them in the first place.
- ~~29.~~ No taxation of private interests in government owned property.
30. No judicial standards commission to investigate whether a judge, because of disability or bad habits, does not perform his duties properly.
- ~~31.~~ No recognition of unique heritage of Indians.
32. Allowing the governor to veto proposed Constitutional amendments which the legislature wants to offer to the people for vote.
- ~~33.~~ A Lieutenant Governor (Executive Branch) presiding over the Senate (Legislative Branch) even though the constitution assigns separate duties to the three branches of government in order to preserve "checks and balances."
34. A governor and lieutenant governor who may be of opposite political parties and who cannot work together well.
35. No way to remove a governor even temporarily, if he should become incapacitated and unable to function in office.
- ~~36.~~ A section on "labor" which prohibits consideration of having in some places 4 ten hour workdays with 3 days off each week.

- 37. Keeping the old doctrine of "sovereign immunity" whereby state and local governments cannot be sued.
- 38. A law that forbids an elected official in city, county or state from receiving any increase in salary, even though inflation may change the economic picture drastically during a six year term (as for county commissioners).

If you really want all these things, then vote for the old constitution; vote against the proposed new constitution on June 6. And you will get a lot more stuff that isn't bad but is unnecessary. In fact you get almost 16,000 more words in the old one.

CITIZENS COMMITTEE for
CONSTITUTIONAL IMPROVEMENT
P. O. BOX 1080
HELENA, MONTANA 59601

An Open Letter to the Officers and Delegates of the
Montana Typographical Conference:

Much is being written, both "pro" and "con" relative to the proposed Constitutional Convention. While there are many points requiring clarification in this proposed documents, I shall dwell briefly on only five. These surround the application to labor and should be given very serious consideration by the Montana Typographical Conference. I appeal to you, earnestly, to consider at least the five points I contend to be a very serious detriment upon the livelihood and future of each member affiliated with the conference and the citizens of the State of Montana.

To offer a placid, weak answer such as "there was more good than bad in the proposal" is poor reasoning by those endorsers and supporters of the document.

Now, delegates, this is a frank admission that there is some good and some bad in the proposal, and I now state to you that an endorsement constitutes approval of the bad as well as the "so called good".

The sanction of the AFL-CIO convention was, in my opinion, very poorly undertaken in that there was little or no study undertaken by the maker of the motion to endorse, its seconder, especially those delegates, and above all, the officers of the Montana AFL-CIO are derelict in concerning themselves with the welfare of its full membership.

I now state to you that the AFL-CIO group either will not, or cannot back off from the serious error it committed upon us at its recent convention because it knows there is no justification in its action.

A critic should provide an alternative if he is to be effective. As a critic, I shall now do this.

1. The AFL-CIO should have known better and most certainly not have taken the position it did. Rather, the motion to endorse should have been tabled indefinitely.

2. When such a proposal as the revision of the constitution comes forth, if it is unsatisfactory, an endorsement should never be considered. Rather, the measure should be rejected, revised and resubmitted to the voters of the State of Montana.

I submit this resolution to the Delegation and appeal to your good judgment to adopt said resolution at this time.

Respectfully, presented by
George M. Cole, President
Helena Typo Union No. 95

RESOLUTION

Whereas, the Montana Constitutional Convention has presented a proposed Constitution that will be submitted to the voters of Montana at a special election on June 6, 1972, and

Whereas, this proposal affects the continued welfare of all Montana residents by proposing in Article XII, Section 2, (2): "A maximum period of 8 hours is a regular day's work in all industries and employment except agriculture and stock raising. The legislatures may change this maximum period to promote the general welfare", and

Whereas, this convention would delete from the current constitution, Article XII, Section 7 which is the only constitutional guarantee existing that "the power to tax corporations or corporate property shall never be relinquished or suspended", and

Whereas, the Declaration of Rights, Article II, Section 3, Inalienable Rights, three rights are added, relating to environment, basic necessities, and health, and

Whereas, the current 2-mill property tax limitation is removed in the proposal, and

Whereas, Article V, Section 4, Qualifications fails to provide that a legislator be a citizen of the United States of America, now therefore be it

Resolved, That this Montana Typographical Conference go on record as opposing the Proposed 1972 Constitution for the State of Montana; and be it further

Resolved, That a copy of the resolution be sent to the Officers of the Constitutional Convention and each delegate be urged to ^{send} ~~read~~ a copy to his respective Constitutional Convention Delegates.

Explanation of the Five Points of contention within the Resolution:

1. 8-Hour Day--Article XII, Sec.2: This section would allow the 8-hour day to be increased, thus virtually cancelling any overtime provisions. A drastic legislature could move organized labor 100 years backward.
2. The proposal would allow Corporation tax exemptions. Such action would allow less or no taxes paid by corporations, resulting in an even greater tax burden being placed on the individual citizenry.
3. Under Declaration of Rights, "basic necessities" would include jobs--the right to pursue them. This would eliminate the closed shop and strength of unionism that protects the organized worker. It is a sneaky attempt by the large complexes of Montana to push through a so-called "right-to-work" law.
4. The current 2-mill property tax limitation removal would allow your future legislators to tax your property to any amount and thus let state budgets soar to unbelievable,unprecedented highs. And the citizens of Montana would be forced into paying further ridiculous tax bills while through another section aforementioned, corporations could go tax free !
5. Article V, Section 4, Qualifications of a legislator are remiss. If an elector must be a U.S. Citizen, all public officials of State government must be U.S. Citizens, it is unreasonable to allow a legislator who molds our future by writing our laws, to be a foreigner. The proposal is unjust, unfair, unthinkable.

Furthermore, the constitution convention delegates appear to have been negligent in their duties to allow concealment of facts and omissions within their section of deletions on page 21 of the Proposal. Surely these delegates were aware of the faultiness within this Proposal, yet these same delegates thus far have failed to admit these shortcomings which should be part of the information made available to the elector in order for him to be an informed voter. Silence prevails in this area and it is just not a good enough Proposal for Montanans to accept.

To say we must be careful who we send to the legislature is simply not a good enough solution to the impractical, inequitable proposal because the legislature does not have the power to alter all phases of the constitution and further, if the wrong people gain control over a legislative sessions, irreparable damage could occur before any constitutional changes could be made, whatever methods would be employed to institute the change.