6-27-1980

Montana State Democratic Women's Club Banquet

Max S. Baucus

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(1) Subject*: Federal Issues
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(2) Subject*: Montana State Democratic Women's Club Banquet

DOCUMENT DATE*: 06/27/1980
(Example: 01/12/1966)

* "required information"
I AM DELIGHTED TO JOIN WITH MONTANA’S DEMOCRATIC WOMEN IN THE CELEBRATION OF THE 60TH ANNIVERSARY OF WOMEN’S SUFFRAGE.

WINNING THE RIGHT TO VOTE WAS A LONG AND TOUGH BATTLE, BUT IT WOULD NOT HAVE BEEN SUCCESSFUL WITHOUT THE LEADERSHIP AND HARD WORK OF DEMOCRATIC WOMEN...WOMEN LIKE YOURSELVES WHO BELIEVED IN THEIR CAUSE AND WOULD NOT QUIT UNTIL THEY WERE VICTORIOUS. I AM PROUD TO BE HERE TO CELEBRATE THIS SPIRIT.

THIS EVENING I WOULD LIKE TO FOCUS ON A RIGHTS MOVEMENT THAT IS JUST AS SIGNIFICANT AND VITAL TO OUR FUTURE. I’M TALKING ABOUT MONTANA’S RIGHT TO CONTROL ITS DESTINY, AND TO CONTROL THE WAY ITS RESOURCES ARE DEVELOPED.

AND, THE MESSAGE I HAVE FOR YOU IS THAT MONTANANS IN THE EIGHTIES MUST BE AS DILIGENT, AS HARD-WORKING, AND AS DEDICATED AS THE SUFFRAGETTES -- OR WE WILL LOSE THAT RIGHT.

THE SUFFRAGE MOVEMENT TAUGHT US THAT RIGHTS THEMSELVES ARE MEANINGLESS IF THEY ARE NOT PROTECTED BY CONTINUED HARD WORK AND PERSEVERANCE.
CERTAINLY PAT REAGAN, ANN MARY DUSSAULT, ESTHER BENGTSON, PAT GESEK, KATHERINE McBRIDE, DOROTHY BRADLEY AND SALLY JORDAN KNOW ALL TOO WELL THAT THE WOMEN'S POLITICAL MOVEMENT DID NOT REACH ITS ULTIMATE GOAL WHEN IT WON THE RIGHT TO VOTE.

THE RIGHT TO VOTE ONLY GAVE WOMEN THE OPPORTUNITY TO GET THEIR FOOT IN THE DOOR. AS WOMEN INVOLVED IN THE DEMOCRATIC PARTY IN OUR STATE, YOU KNOW THAT'S ONLY THE FIRST STEP.

WE ALL KNOW HOW MUCH MORE WORK, COMMITMENT AND ENERGY IT TAKES TO ELECT CANDIDATES TO PUBLIC OFFICE. WE CAN BE PROUD OF THE NUMBER OF WOMEN WE HAVE ELECTED TO OFFICE. AND, I AM VERY OPTIMISTIC ABOUT OUR CHANCES TO ELECT MORE WOMEN THIS YEAR.

AND, JUST AS WE SHOULD PAY TRIBUTE TO MONTANA'S DEMOCRATIC WOMEN FOR THEIR CONTRIBUTIONS, WE MUST CREDIT MONTANA FOR ITS FARSIGHTED WISDOM IN ENACTING AN EQUAL RIGHTS AMENDMENT. AND WE LEARNED FROM THAT PROCESS.

THE LESSON WE LEARNED AND MUST REMEMBER IS THAT FIGHTING FOR A PRINCIPLE IS NOT ENOUGH. THE PRINCIPLE IS OF LITTLE VALUE IF MONTANA'S WOMEN DON'T PRESS ON FOR A GREATER ROLE IN POLITICAL LIFE, FOR EQUAL TREATMENT ON THE JOB OR FOR EQUAL CREDIT OPPORTUNITIES.

MONTANA'S RECORD

THIS SAME LESSON IS TRUE IN OUR EFFORTS TO DETERMINE OUR STATE'S FUTURE.
WE AS MONTANANS HAVE TRIED TO TAKE CHARGE OF OUR FUTURE.
WE HAVE A RECORD WE SHOULD BE PROUD OF.

- OUR STATE ADOPTED A STRONG NEW CONSTITUTION TO REPLACE
  THE ONE WRITTEN IN THE 1880s BY THE COPPER BARONS;
- WE ENACTED A MAJOR FACILITY SITING ACT TO ENSURE THAT COAL-
  BURNING FACILITIES ARE BUILT IN SUCH A WAY THAT THEY MINIMIZE
  ENVIRONMENTAL AND SOCIO-ECONOMIC DAMAGE;
- WE ENACTED A STATE STRIP MINING LAW THAT SERVED AS A MODEL
  FOR THE FEDERAL STRIP MINING ACT;
- WE ENACTED A COAL SEVERANCE TAX TO HELP RAISE REVENUES TO
  HELP PAY THE COSTS OF COAL DEVELOPMENT;
- WE ENACTED THE MONTANA WATER USE ACT TO ESTABLISH A UNIFORM
  SYSTEM TO ACQUIRE, ADMINISTER AND DETERMINE WATER RIGHTS.

THIS IS A STATE LEGISLATIVE RECORD THAT IS UNPRECEDEDENTED. WE
AS MONTANANS CAN BE EXTREMELY PROUD OF THE FORWARD LOOKING,
INNOVATIVE LEGISLATIVE STEPS OUR STATE HAS TAKEN IN THE PAST TEN YEARS.

BUT, TODAY I WISH TO WARN YOU THAT THESE RIGHTS ARE IN
DANGER OF BEING ERODED. MONTANA'S ABILITY TO PROTECT THESE
INITIATIVES AND TO ENACT ADDITIONAL SAFEGUARDS IN THE FUTURE IS BEING
THREATENED.

A SERIES OF INITIATIVES PENDING IN WASHINGTON THREATEN TO
UNDERMINE MONTANA'S ABILITY TO GOVERN ITSELF. LET ME DESCRIBE THREE
SPECIFIC EXAMPLES,
ENERGY MOBILIZATION BOARD

CURRENTLY, PENDING BEFORE THE CONGRESS IS A BILL TO CREATE AN ENERGY MOBILIZATION BOARD. THE PURPOSE OF THIS BOARD IS NOBLE: TO ENHANCE ENERGY DEVELOPMENT BY HAVING A BOARD THAT CAN CUT RED TAPE FOR CERTAIN PRIORITY ENERGY PROJECTS.

HOWEVER, THIS BOARD AS NOW DESIGNED, WOULD BE NOTHING LESS THAN A BLUEPRINT FOR DISASTER. RATHER THAN FOSTERING COOPERATION AMONG LOCAL, STATE AND FEDERAL AGENCIES, THE EMB WOULD BE A SUPERBUREAUCRACY. MONTANA’S STATES RIGHTS COULD BE TRAMPLED UNDER LIKE THE GRASS IN A BUFFALO STAMPEDE.

MONTANANS HAVE SPENT YEARS DEVELOPING AND ENACTING ENVIRONMENTAL AND ZONING ORDINANCES THAT ENSURE PUBLIC INVOLVEMENT IN RESOURCE MANAGEMENT.

THE EMB WOULD HAVE THE POWER TO OVERRIDE THESE STATE LAWS AND LOCAL ORDINANCES.

THE EMB WOULD HAVE THE POWER TO IMPOSE DEADLINES UPON STATE AND LOCAL GOVERNMENTS.

THE EMB WOULD HAVE THE POWER TO MAKE DECISIONS INSTEAD OF THE LOCAL OR STATE AGENCY IF THOSE DEADLINES ARE MISSED.
THE EMB COULD WAIVE STATE LAW.

THE EMB COULD OVERRIDE THE PROVISIONS OF MONTANA’S_MAJOR
FACILITIES SITING ACT.

THE EMB COULD OVERRIDE THE PROVISIONS OF MONTANA’S_STRIP
MINE LEGISLATION.

AND, TO MAKE MATTERS WORSE, NEITHER MONTANA’S STATE COURTS NOR
THE FEDERAL COURTS LOCATED IN MONTANA WOULD BE AVAILABLE TO REVIEW
GRIEVANCES.

THIS LEGISLATION IS A BASIC DENIAL OF DUE PROCESS BOTH TO
INDIVIDUALS AND TO THE STATES. NO DEMAND FOR ENERGY INDEPENDENCE
SHOULD BE PERMITTED TO OVERRIDE THIS NATION’S CONSTITUTIONAL
GUARANTEES TO THE STATES.

I AM EQUALLY TROUBLED BY THE UNFORTUNATE PRECEDENT THAT THIS
LEGISLATION MAY SET. WHILE THE MOBILIZATION BOARD CONCEPT IS
LIMITED TO ENERGY DEVELOPMENT TODAY, IT COULD BE APPLIED IN OTHER
AREAS IN THE FUTURE.
FOR EXAMPLE, WHAT WOULD HAPPEN IF A NATIONAL EMPLOYMENT MOBILIZATION BOARD WERE CREATED? WOULD IT HAVE THE POWER TO OVERRIDE MONTANA'S EQUAL RIGHTS AMENDMENT? COULD SUCH A FEDERAL BOARD PREVENT MONTANA'S WOMEN FROM RECEIVING THE GUARANTEES THAT ARE CONTAINED IN THEIR OWN STATE'S CONSTITUTION? THIS MAY SOUND FAR-FETCHED, BUT I THINK THE EXAMPLE CONVEYS THE KINDS OF PROBLEMS ADDITIONAL MOBILIZATION BOARDS COULD LEAD TO.

I VOTED AGAINST THE ENERGY MOBILIZATION BOARD WHEN IT WAS BEFORE THE SENATE LAST YEAR. I WILL VOTE AGAINST IT IF THE CONFERENCE REPORT IS BEFORE THE SENATE AGAIN.

THE EASE WITH WHICH THIS LEGISLATION HAS PASSED THIS FAR THROUGH THE CONGRESS SHOULD SERVE AS A WARNING TO THOSE OF US WHO CARE ABOUT STATES ABILITY TO CONTROL THEIR OWN DESTINY. MANY MEMBERS OF CONGRESS ARE NOT SENSITIVE TO THE ISSUE.

BUT I AM PLEASED TO RETURN TO MONTANA LATE TONIGHT TO REPORT TO YOU THAT THE CONFERENCE REPORT ON THE ENERGY MOBILIZATION BOARD WAS CONVINCINGLY DEFEATED BY THE HOUSE OF REPRESENTATIVES EARLIER TODAY. THOSE OF US WHO HAVE Fought SO HARD AGAINST THE BOARD FOR THE LAST YEAR, HAVE REGISTERED OUR FIRST SUCCESS IN TRYING TO GET THE DANGERS OF THE BILL ACROSS TO THE REST OF THE CONGRESS.
THE 232 TO 131 VOTE IN THE HOUSE OF REPRESENTATIVES IS CLEARLY A VICTORY FOR THOSE OF US THAT SUPPORT STATES' RIGHTS, AND, I'M A FIRM BELIEVER IN CELEBRATING ONE'S VICTORIES. I'M PROUD TO SAY THAT OUR OWN PAT WILLIAMS WAS ON THE FLOOR OF THE HOUSE TODAY WORKING FOR MONTANA'S INTERESTS. WE SHOULD TONIGHT APPLAUD PAT WILLIAMS AND THE HOUSE OF REPRESENTATIVES FOR THEIR VOTE TODAY.

HOWEVER, TODAY'S VOTE DOES NOT NECESSARILY MEAN FINAL DEFEAT FOR THE ENERGY MOBILIZATION BILL NOR FINAL VICTORY FOR SUPPORTERS OF STATE AND LOCAL RIGHTS. CONTINUED VIGILANCE IS REQUIRED. WE CANNOT LET UP FOR ONE MINUTE IN OUR FIGHT TO PRESERVE THE ABILITY OF OUR STATE TO CONTROL ITS OWN FUTURE.
COAL SEVERANCE TAX

MONTANA'S COAL SEVERANCE TAX IS ANOTHER EXAMPLE OF OUR STATE'S FORESIGHT AND WISDOM. THE TAX REPRESENTS THE COLLECTIVE DECISION OF MONTANANS THAT LONG TERM COAL DEVELOPMENT WILL REQUIRE ADDITIONAL REVENUE TO MEET THE FUTURE NEEDS OF OUR PEOPLE.

BUT WE CAN BE SURE THAT COAL DEVELOPMENT WILL REQUIRE A MASSIVE BUILD-UP OF PUBLIC SERVICES. WE WILL NEED ADDITIONAL ROADS, SEWER SYSTEMS, SCHOOLS, AND HOSPITALS.

MONTANA'S COAL SEVERANCE TAX WILL HELP PAY THESE COSTS.

YET OUR TAX TODAY FACES ITS TOUGHEST TEST. LEGISLATION NOW PENDING IN CONGRESS WOULD LIMIT THE LEVEL OF SEVERANCE TAX THAT ANY STATE COULD IMPOSE ON ENERGY RESOURCES.

AT STAKE IS MONTANA'S MAJOR REVENUE SOURCE... REVENUE WE CANNOT AFFORD TO LOSE IF WE ARE TO MAINTAIN A SUFFICIENT STANDARD OF LIVING FOR FUTURE MONTANANS.

THE LEGISLATION I REFER TO REPRESENTS AN UNPRECEDENTED INTERFERENCE WITH STATES' RIGHTS. ANY LIMIT ON MONTANA'S RIGHT TO TAX COAL WILL REDUCE SUBSTANTIALLY OUR ABILITY TO PROVIDE THE NECESSARY SERVICES REQUIRED BY FUTURE COAL DEVELOPMENT.

AND YET THERE ARE LEGISLATORS IN WASHINGTON WHO BELIEVE THAT THEY HAVE THE RIGHT TO IMPOSE THIS KIND OF BASIC TAX LIMITATION ON THE STATE OF MONTANA.
THOSE OF US WHO CARE ABOUT STATES’ RIGHTS SHOULD BE APPALLED AT THIS PROPOSAL. THOSE LEGISLATORS WHO PROPOSE THIS LIMITATION WOULD NOT SUPPORT SIMILAR LIMITATIONS ON THEIR OWN STATES’ ABILITY TO PROVIDE FOR BASIC STATE SERVICES.

THIS IS YET ANOTHER EXAMPLE OF THE INSENSITIVITY OF MANY MEMBERS OF CONGRESS TO THE RIGHTS OF THE STATES GUARANTEED BY THE TENTH AMENDMENT.

WATER LAW

I WANT TO DISCUSS A THIRD AREA WHERE WE NEED TO MONITOR CAREFULLY THE FEDERAL GOVERNMENT’S ACTIVITIES: WATER LAW.

IN MONTANA WE HAVE DEVELOPED A PROGRESSIVE AND COMPREHENSIVE SET OF LAWS TO MAXIMIZE THE BENEFICIAL USE OF OUR STATE’S WATER. THE 1973 MONTANA WATER USE ACT ESTABLISHES A UNIFORM SYSTEM FOR THE ACQUISITION, ADMINISTRATION AND DETERMINATION OF WATER RIGHTS.

THE NEEDS OF IRRIGATION FOR AGRICULTURE, MINING, DRINKING WATER, RECREATION, FISH AND WILDLIFE, AND WATER QUALITY, ARE ALL TAKEN INTO ACCOUNT IN THE PROCESS OUTLINED BY THE ACT. THE STATE LAW SPECIFICALLY PROVIDES THAT THE FEDERAL GOVERNMENT’S WATER BE HANDLED IN THE SAME WAY AS PRIVATE PARTIES.
THE SUPREME COURT OF THE UNITED STATES IN CALIFORNIA VS. THE UNITED STATES AND THE UNITED STATES VS. NEW MEXICO UPHELD THE PROPOSITION THAT FEDERAL AGENCIES MUST COMPLY WITH STATE WATER LAWS.

THE QUESTION HERE IS NOT WHETHER THE FEDERAL GOVERNMENT HAS RIGHTS TO WATER IN MONTANA. AS A LANDOWNER, THE U.S. GOVERNMENT HAS LEGITIMATE RIGHTS TO WATER JUST AS DOES ANY OTHER LANDOWNER, BUT THIS DOES NOT MEAN THAT FEDERAL AGENCIES CAN IGNORE LOCAL LAWS. THEY MUST NOT BE ALLOWED TO RUN ROUGHSHOD OVER THE STATE GOVERNMENT AND STATE WATER LAWS.

NONETHELESS, THE INTERIOR DEPARTMENT IS VIGOROUSLY ATTEMPTING TO NARROW THE IMPACT OF THE RECENT SUPREME COURT DECISIONS. THE SOLICITOR GENERAL OF THE INTERIOR DEPARTMENT CLAIMS THAT WATER RIGHTS FOR BLM LAND, LAND NOT SPECIFICALLY ADDRESSED BY THE COURT DECISIONS, ARE BEYOND THE REACH OF STATE SUBSTANTIVE LAW.

THIS POSITION IS NOT ACCEPTABLE. THE INEVITABLE RESULT OF THE INTERIOR DEPARTMENT'S POSITION WOULD BE CONFUSION AND UNCERTAINTY.

THE RIGHTS OF THE CITIZENS OF MONTANA AND ALL PUBLIC OR PRIVATE WATER USERS CAN BEST BE PROTECTED UNDER A CLEAR PROCEDURE OF UNIFORM APPLICATION OF STATE LAWS.

ONCE AGAIN, THE FEDERAL GOVERNMENT IS ATTEMPTING TO CRAWL OUT FROM UNDER THE ROCK OF STATE CONTROL.
A NEW STATES RIGHTS

These three areas are not isolated examples. They are just part of a consistent pattern of erosion of state and local government authority. The question raised is what can we as Montanans do about it?

I am here to urge you to engage in an active movement.

In the same way that the movement to obtain rights for women could not end once the right to vote was secured, the movement to preserve states’ rights cannot end after a state passes its own legislation.

What is needed is a new bold resurgence of the role of states.

In the past, the cloak of states’ rights was used to protect states from going forward with new and progressive ideas. Citizens hid behind the slogan of states rights to prevent equal justice for all.

We as Montanans along with our friends throughout the country can forge a new progressive states’ rights... a progressive states’ rights that encourages innovative and farsighted state policy.
STRONG STATES WILL STRENGTHEN THE FEDERAL GOVERNMENT AS A WHOLE. THOMAS JEFFERSON WROTE: THE ONLY WAY THE STATES CAN AVOID THE ABUSE OF NATIONAL POWER IS "TO STRENGTHEN THE STATE GOVERNMENT,... AND THIS MUST BE DONE BY THE STATES THEMSELVES..."

WE IN MONTANA HAVE HEEDED JEFFERSON'S ADMONITION. WE HAVE RESPONDED TO THE CHALLENGE OF DEVELOPING STATE POLICIES THAT ARE RESPONSIBLE AND AGGRESSIVE.

BUT OUR JOB CANNOT END THERE. HARD WORK REMAINS.

OUR ACTUAL RIGHTS AS A STATE WILL NEVER BE SECURE. VIGILANCE IS ALWAYS REQUIRED.

AND TWO OTHER THINGS ARE ALSO REQUIRED.

ONE IS TO UNDERSTAND CONSTANTLY THAT WE IN MONTANA DO NOT HAVE THE ONLY LEGITIMATE INTERESTS AT STAKE. THERE ARE LEGITIMATE ROLES FOR THE FEDERAL GOVERNMENT AND FOR OTHER STATES TO PLAY. AND WE ALWAYS HAVE TO KEEP IN MIND THAT THOSE LEGITIMATE OVERRIDING CONCERNS ARE NATIONAL CONCERNS THAT WE SHOULD BE RESPONSIVE TO.

FURTHERMORE, WE SHOULD KEEP IN MIND THAT THIS NEW REEMERGENCE OF STATES' RIGHTS CANNOT BE LIMITED TO THE STATE OF MONTANA. OTHERWISE MONTANA WILL BE PITTED AGAINST THE OTHER 49 STATES.
WE HAVE THE RESPONSIBILITY TO REACH OUT TO OUR FRIENDS IN ALL THE OTHER STATES AND TO EXPLAIN TO THEM THAT THEY TOO HAVE A GREAT DEAL AT STAKE IN PRESERVING THE POWER OF STATE AND LOCAL GOVERNMENT TO GOVERN THEMSELVES.

AND SO I ASK YOU TO JOIN ME IN DEDICATING OURSELVES TO THE PRESERVATION OF STATE AND LOCAL GOVERNMENTS.

CONCLUSION

ALL OF US AS MONTANANS HAVE A VERY SPECIAL LEGACY TO PROTECT.

YOU HAVE THE LEGACY OF WOMEN AS PART OF A WOMENS' SUFFRAGE AND WOMENS' RIGHTS MOVEMENT THAT HAS A GLORIOUS HISTORICAL PAST.

YOU SHOULD CONTINUE THAT FIGHT AND BUILD UPON PAST TRIUMPHS.

BUT AS MONTANANS, WE ALSO HAVE THE OBLIGATION TO CONTINUE TO PROTECT THE INTERESTS OF MONTANA. THE NEW STATES' RIGHTS SHOULD BE AS IMPORTANT TO ALL OF US AS THE WOMENS' RIGHTS MOVEMENT. OUR ABILITY TO SURVIVE AS A STATE DEPENDS UPON THAT.

I HOPE THAT WE AS A STATE CAN PUT THE SAME KIND OF DEDICATION AND ENERGY INTO OUR EFFORTS TO PERMIT MONTANA TO GOVERN ITSELF AS THE SUFFRAGETTES DID TO SECURE THE RIGHT TO VOTE.

THE LESSON OF PAST SUCCESSFUL MOVEMENTS IS THAT OUR JOB WILL NEVER BE COMPLETE. THERE IS PLENTY OF HARD WORK AHEAD AND I PLAN TO JOIN WITH ALL OF YOU IN CONTINUING THIS IMPORTANT EFFORT.

THANK YOU VERY MUCH.