

August 2020

Polly Holmes: When The Smoke Began To Clear

Hal Harper

Krys Holmes

Follow this and additional works at: <https://scholarworks.umt.edu/plrlr>

 Part of the [Administrative Law Commons](#), [Agriculture Law Commons](#), [Animal Law Commons](#), [Cultural Heritage Law Commons](#), [Energy and Utilities Law Commons](#), [Environmental Law Commons](#), [Indigenous, Indian, and Aboriginal Law Commons](#), [Land Use Law Commons](#), [Law and Race Commons](#), [Natural Resources Law Commons](#), [Oil, Gas, and Mineral Law Commons](#), [Science and Technology Law Commons](#), and the [Water Law Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Harper, Hal and Holmes, Krys (2020) "Polly Holmes: When The Smoke Began To Clear," *Public Land & Resources Law Review*. Vol. 43 , Article 31.

Available at: <https://scholarworks.umt.edu/plrlr/vol43/iss1/31>

This Article is brought to you for free and open access by ScholarWorks at University of Montana. It has been accepted for inclusion in Public Land & Resources Law Review by an authorized editor of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

POLLY HOLMES: WHEN THE SMOKE BEGAN TO CLEAR

Hal Harper and Krys Holmes

The 1972 Constitution guaranteed a “clean and healthful environment,” which most thought applied only to the great outdoors. But any Montanan who doesn’t like breathing second-hand smoke should come to know how the right to clean indoor air was earned. In 1973, freshman legislator Polly Holmes introduced what may have been the first legislation in the country to limit smoking in public places, including the Capitol building, and even in taverns. The bill ignited a firestorm of controversy on both sides.

Smokers puffed everywhere in those days—hospitals, taverns, restaurants, museums, airplanes, and schools. Health professionals knew well the consequences of first and second-hand-smoke. Preservationists also were fully aware of the toll that smoking took on the priceless original Paxons, DeCamps, and Pedrettis paintings throughout the Capitol, and especially the giant priceless Charlie Russell, *Lewis and Clark Meeting the Indians at Ross’ Hole*, that overlooks the House Chambers itself. But the task of lawmaking without lighting up was unthinkable to many at that time.

Somehow, Polly got that bill through committee and onto the floor of the House for second reading discussion. She swallowed her fear of public speaking as she rose to articulate all the reasons to support the bill, and to move that it “do pass.” As she spoke, the lanky, long-serving Great Falls lawyer who sat beside her began puffing on his pipe and blowing smoke—not upward toward the ceiling in his usual, long, wisdom-draped drags—but bending down to blow smoke beneath Polly’s chair until she was completely engulfed in smoke. When the cloud reached her face, she collapsed into her chair coughing, the bill effectively dead. The House erupted in laughter, none of the onlookers aware of Polly’s congenital heart defect.

Undeterred, Polly introduced the bill again in the following 1975 session. This time every smoker in the House and gallery lit up and filled the chambers with a gray haze. The bill went down that year, too.

The following session, in 1977, Polly got a Republican co-sponsor, and she was ready to battle. As her fellow legislators on both sides of the aisle lit up their cigs and cigars yet once again, Polly calmly pulled out a gas mask, donned it, and kept speaking. Pages were instructed to open the House windows as the chambers became an indoor cloud. The bill passed the House, made it out of the Senate Committee, passed second reading, but died on the third reading vote.

These small, besieged steps toward an indoor right to a “clean and healthful environment” became a slow march, as similar bills were introduced in subsequent sessions, even after Polly’s legislative years ended in 1980. Bozeman Republican Bob Ellerd took up the campaign, and it finally came to Tim Dowell of Kalispell, whose 2005 bill—supported again by state preservationists who pointed out continuing significant damage to the Russell painting in the House’s own chambers—finally passed. There were built-in delays and concessions, but the bill was signed into law by Gov. Brian Schweitzer in 2005. Polly’s dream of clean air everywhere was but one deep breath away. Later that year, on Thanksgiving Day, Polly died, at age 82.