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Montana Kaimin, October 27, 1978

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Bar owners oppose open container draft

By WILLIAM T. MURPHY
Montana Kaimin Reporter

Several Missoula bar owners showed up at yesterday's meeting of the City Council Judicial Review Committee to protest a proposed ordinance that would make them liable for open containers of beer and liquor carried out of their establishments.

Under a current city ordinance, a person carrying an open alcoholic beverage on the city's streets is breaking the law. Current ordinances also prohibit littering in the city, but city police Captain Doug Chase said that existing laws have proved inadequate to control problems associated with open container violations.

Chase, the night captain, said he asked city attorney Mae Nan Ellingson to draft an ordinance making bar owners liable for open container violations because he thought such a law would help control the problem which, he explained, has three parts.

Three big problems

The major problems created by open container violations, he said, are:

- Damage to real property. That is, broken windows in store fronts and other physical damage to property.
- Damage to motor vehicles, particularly broken windshields in parked cars.
- Litter, especially broken beer bottles and discarded "go cups" from bars.

Chase said these problems are particularly common on Front Street and along certain parts of the 93 Strip.

The committee heard complaints from several downtown businessmen about the extent of vandalism and litter existing near their places of business.

George Caras, owner of Garden City Floral on Front Street, read off a litany of damages he has suffered in the past few years due to open container violations.

He has had, he said, 11 front

windows broken, four trees destroyed, and cups, broken glass and human waste to clean up.

"Front Street and the island parking area are a wasteland after any big weekend," Caras said, and he urged the committee to recommend to the council that the new ordinance be passed. He said he feels that making bar owners responsible for what leaves their premises may help reduce the problem.

Bob DeMarois, owner of a downtown auto dealership, also complained of vandalism, saying that many new cars on his lot have had their windshields broken. He also complained of the problems of litter and glass and, like Caras, urged passage of the new ordinance.

Bar owners reply

The bar owners at the meeting expressed sympathy for the businessmen's plight, but said they oppose any law putting the burden of law enforcement on their shoulders.

Some bar owners said current laws are sufficient to control vandalism and litter, if police would be more strict in enforcement.

One former bar owner, who said he left the business because of over-regulation, expressed a point of view echoed by many of the owners.

"Some of the laws we're trying to put in are silly, it looks like to me," he said. "Maybe we need more law and order — not inside, but outside."

William Neff of Luke's Tavern, a Front Street establishment, added that the amount of alcohol a person consumes is not always a good gauge of that person's capacity for vandalism.

"I've seen some people drink all night and then get up and very peacefully stagger home," he said. "And I've seen some guys come in who haven't had anything to drink at all and start yelling 'Woo, woo, let's get down!' and then go and break three chairs."

• Cont. on p. 6

Pettit to modify role and scope

By TOM HARVEY
Montana Kaimin Reporter

Commissioner of Higher Education Lawrence Pettit said yesterday he expects to make quite a few changes in the Montana University System role and scope statement.

A draft of the 53-page document was sent on Oct. 2 to each unit of the university system. The report came under heavy criticism last week from the University of Montana Faculty Senate for what one professor called the "negative tone" of the statement.

"I think they've got a point there," Pettit said, in response to that and other faculty criticisms.

The tone of the role and scope statement should be modified, he added.

Pettit said he met with representatives from the UM Faculty Senate yesterday to discuss the statement. He said he had been traveling to other campuses as well to listen to faculty and student response to the draft.

"I want them to be as tough and critical as they can possibly be,"

Pettit said, but he cautioned faculty members to be "fair about it."

The faculty, he advised, "should be low-keyed, particularly when being quoted in the press." He said he advised this because it might affect the passage of the six-mill levy on Nov. 7.

Pettit also said that the role and scope statement should be the major topic of discussion at the Council of Presidents meeting in Helena this afternoon, and that the debate would help him to prepare a final draft.

"I expect the presidents meeting to get a little heated at times," Pettit said, because of competition among campuses for programs.

Pettit said the Board of Regents would discuss the statement at its Nov. 3 meeting at UM and would adopt an official statement at its December meeting.

Each campus was asked to explain its long-term goals in individual statements, Pettit said. These individual role and scope statements were then taken by his Academic Deputy Irving Dayton

and organized first campus by campus, and then program by program. Pettit then took those two statements, he said, and prepared the draft.

The purpose of the role and scope statement is to control and channel development of the campuses, he explained.

He said the final draft of the statement will be available to the Legislature. The statement, he said, would reassure the Legislature that "the regents aren't just sitting back."

"The Legislature has been expecting us to come up with this for some time," Pettit said. "We'd look pretty bad if we didn't."

"Some bad decisions, or non-decisions, were made" which allowed unwarranted growth and duplication in the system, Pettit said of the years before the Board of Regents was created.

During the 1960s, increasing enrollment, what appeared to be unlimited resources and no central control all contributed to uncontrolled duplication, Pettit said.

Clean and paved streets advised to solve air pollution problems

By MIKE McINALLY

Montana Kaimin Contributing Reporter

The cleaning of Missoula streets and paving of dirt roads are the major points of a plan to bring Missoula's air into compliance with federal air quality standards, Jim Carlson, director of the Missoula City-County Health Department, said last night.

Carlson told about 50 people at a clean-air workshop that these two strategies would help take care of Missoula's particulate pollution problem. Particulates are small pieces of dust, soot and smoke that hang in the air.

Also speaking at the workshop in the Missoula Public Library were Montana State Air Quality Bureau representative Jon Bolstad, Environmental Protection Agency representative Dick Montgomery, Hoerner Waldorf Technical Director Larry Weeks, Dan Obermeyer of the Missoula City-County Planning Board, University of Montana Environmental Library Director Bill Tomlinson, and Warren Wilcox, a representative of the John R. Daily meatpacking plant.

Carlson said the plan, part of the Montana State Implementation Plan that must be submitted to the EPA by the end of the year, deals

with particulate problems from area sources such as unpaved roads, fireplaces and slash burns.

Carlson said particulate pollution from Missoula industries is not significant, accounting for only slightly more than 10 percent of the total.

For that reason, the plan Carlson presented has few provisions for the control of industrial emissions

and concentrates almost entirely on cleaning and paving streets.

A parking ordinance recently passed by City Council will help, Carlson said. Under the new ordinance, Missoula residents must park on alternate sides of streets one week every month to enable street cleaners to get close to curbs where the dirt builds up.

• Cont. on p. 6.



A POTENTIAL REVELER searches through costumes on sale in the University Center. The sale was sponsored by the drama department. (Staff photo by Arn Halverson.)

LPNs proxy votes fall short

By WILLIAM T. MURPHY
Montana Kaimin Reporter

The last best hope for the striking licensed practical nurses at Community Hospital to resolve the strike in their favor may have been snuffed out at last night's annual meeting of the hospital's shareholders.

The LPNs, who have been out on strike against Community Hospital since May, had hoped a group which supports their cause would be able to garner enough proxy votes from shareholders to gain some kind of influence in hospital policy.

The group, the Montana Coalition for Better Health Care, has been campaigning for several months to get shareholders sympathetic to the strike to sign over to

the coalition their voting privileges in the shareholders meeting.

The group fell far, far short of collecting enough proxy votes to influence policy.

The main item on the agenda at the meeting, which was held in the hospital's conference room, was the election of seven new members to the hospital's 21-member board of trustees.

The coalition group came to the meeting with a slate of seven persons sympathetic to the striking nurses' cause. The group hoped to elect at least a few of its nominees, believing that even a small voice on the board might help the strike effort.

The first, and only surprise of the evening came as the board announced its first nominee.

That nominee was Bill Potts, a

Missoula alderman, one of the nominees on the coalition's slate and, significantly, a proponent of the LPN strike.

When the board announced Potts as their choice for one of the seats, the audience of about 150

• Cont. on p. 6.

Correction

The Montana Kaimin would like to correct an error in its story about the Students for Justice boycott of the Central Board meeting Wednesday night. Steve Carey is an SFJ member, but is not on Central Board. The Kaimin regrets its error.

Pettit, platforms and Nast

Commissioner of Higher Education Larry Pettit's draft of the role and scope statement of the Montana University System raised the blood pressure of a number of University of Montana faculty members recently.

"Ridiculous." "Nauseating." "Irresponsible." "Flippant." "Insulting." "Negative."

Those wholly solicited comments were barked at last week's Faculty Senate meeting and are probably reflective of something deeper than mere parochialism. The statement obviously has problems and my guess is that similar comments are being made at the other campuses.

Faculty Senate leaders are meeting today in the commissioner's office in Helena to discuss the statement. The Council of University Presidents is meeting there tomorrow to also discuss the Pettit draft. Pettit told a Kaimin reporter yesterday that changes will most certainly be made in the draft before a final proposal is written, which may or may not be viewed as advance appeasement.

The role and scope statement is viewed by many as Pettit's Swan Song to a stormy career (he is resigning effective Jan. 1, 1979). To exit office with dignity, Pettit must ensure that the final draft of the statement is both practical and acceptable. He has yet to prove either.

Remember, only 41 more concession days til resignation.

One would expect to find some major differences in ideology when browsing through the Democratic and Republican Party platform brochures. But the difference between the two parties' philosophy concerning higher education is no less than astounding.

At first glance, the Democrats' brochure looks like the usual donkey dung only a Butte politician can appreciate. But closer inspection in-

dicates strong support for the six-mill levy, continuing education, collective bargaining and federal student aid programs.

The Republican Party brochure? Under the heading for higher education the brochure says: "We pledge our continued support for adequate financing of the greater University System in order that our young people can have a solid foundation for intelligent and useful citizenship."

Ordinarily, the Republican Party is

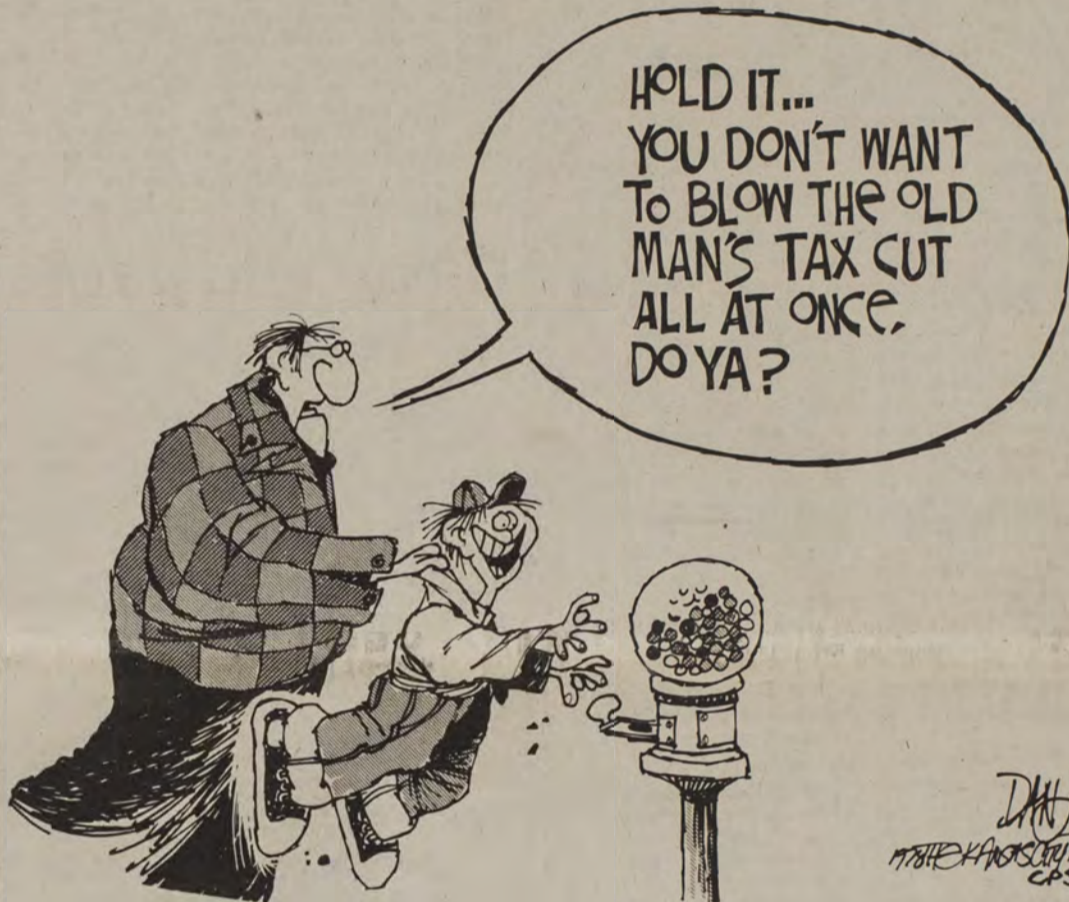
not noted for such conciseness.

Several weeks ago congressional candidates Jim Waltermire and Pat Williams spoke together before a group of high school students. In addition to tough civics questions, the students reportedly asked the candidates if they knew where the symbols of their respective political parties — the donkey and elephant — originated. Williams, a Democrat, and Waltermire, a Republican, made asses out of

themselves — they didn't know.

A smug teacher, following chortles from her students, informed the embarrassed duo that both symbols were the creation of political cartoonist Thomas Nast who needled politicians ruthlessly during the era following the Civil War. It's in every American Heritage history book in every American high school, but then it takes a memory like an elephant . . .

Paul Driscoll



DAN HOUGH
MONTANA KAIMIN
CPS

letters

Infamous Root-out

Editor: To Tom Hayes, head of university dorms, and fellow students:

Last Friday the social event of the quarter took place on first floor Craig — an infamous Root-Out.

Root-Outs are unique parties attended by a group of demented students called McBend and Co. . . Boy do they have fun! They dress up in Salvation Army's finest selection of used clothes, get beverage, chew tobacco, throw the beverage on their friends, sing dirty songs, dance on their backs while being tuned into 400 decibels of ZZ Top and slide bare-butted across the floor when the level of beer rises a few inches.

Vicious rumors spread previous to the party concerning such activities. Some RAs began to have recurring nightmares in which McBend and Co. left a dead white stallion in their office.

Friday morning, dormitory officials tried to stop the party by restricting the use of a keg. Later in the day McBend's executive committee held a secret session and passed two resolutions: root to the maximum, keg or no keg, and substitute the keg with 15 cases of "Burgie!!."

At 8 p.m. last Friday, the inevitable Root-Out took place. The honorary guest was Disco Arnold, a distinguished pig, who comes from 300 generations of rooting around. To be truthful the rooters did go

totally overboard during the two hour duration of the party. But when it was all over the room and hallway were cleaned thoroughly.

Early this week proceedings were drawn up by Craig's head and assistant head RAs to expel two members of McBend and Co., the so-called leaders of craziness, from the dorms and possibly from school. Why should two be picked on when there where ten or more involved? The Root-Out could have been stopped by the RAs before and during the activities, but it wasn't. Now two students are being made examples of to stop the "Animal House" tactics on campus before they get a full head of steam. Sure the students should be reprimanded and put on probation, but please, Tom, don't go too far.

Jim Tobin
senior, HPE/spec. ed.

Laughing stock

Editor: I for one have had my fill of this political fallacy called Students for Justice. Ever since they've taken offices on Central Board they've adopted a holier-than-thou type attitude which is hurling the name of this university across the country as the laughing stock of the state.

For the last year SFJ members have been acting like self-proclaimed saviors sent

down to earth to grace our minds and lives with marches, protests and now boycotts.

And what are they boycotting, for God's sake? They're boycotting an issue that would mean no longer could they vote en bloc and override a vote. No longer could they, en bloc, boycott a CB meeting and keep it from a quorum. No longer would they, en bloc, be able to control student funding.

Frankly, I'm sick of it. Last spring I put my vote in to elect people, some who, unfortunately, were Students for Justice who would benefit the university with some individualistic thinking, new ideas and plans to get the university back on its feet.

If SFJ would stop for a minute and take a look at the proposed candidates, maybe they'd see the light. I know some of these people personally and I see them as being bright, strong-willed, hardworking, dedicated and (sorry, SFJ) individualistic. That's the type of people we need so badly on Central Board right now. People who will work for the benefit of the university instead of their own interests.

I must agree with Steve Carey (SFJ), however, in saying that student government is a joke right now. Indeed it is. But it's the Students for Justice that makes it funny.

Marc Swanson
junior, elem. ed.

MONTANA KAIMIN

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Counseling — it's a lie

Dan's not long out of the military—a special forces unit, lots of jungle training. "Can't see killing people—spending my life training for that," is how he said the penny dropped. He's telling how he's going to Alaska or someplace; going to get a place in the woods. Gary doesn't believe him. "Showing he's made up his mind—but hasn't really decided," is what I get out of him. Goynea offers that he can't make up his mind either—wants to help people, though. He wants to rescue people from the whole system of counseling. "Somebody comes down on you like that, you're going to do the opposite." Okay, but something got Dan into uniform and I'm not so sure either, that Dan won't join the battle to tame the wilderness next. Through an unbroken veil, he hears the coyotes. Beneath the level of perverse mind, he hears the cleansing cry of kind to kind. Anyway, I start in talking to Gary, the silent one. Dan leaves after a bit. But Goynea's listening, right there.

I got recruited the first time around, too. Good at mathematics and hard science—be a civil engineer. I think "civil" sounded better than "mechanical" or "electrical" and I identified a bit with bridges crossing gorges. The best part of two years. That's how long it took to get the firemen-standard working. You know, like a kid, you want to be a fireman, and stuff like that. Well, it took me two years looking at professors of engineering and civil engineers to know, whatever else, I sure didn't want to finish up anything like one of them. So much for playing to your strengths.

Goodbye to the big counseling lie.

Except it was harder than that. My first time around as a student, I used to be embarrassed by how much I like pursuing arguments. I think I noticed it first with girls—if you wanted to make-out, you stuck to dancing, drinking and a car with a back seat. You didn't say much and said nothing mental at all. But it was arguing around my buddies got me really embarrassed. They'd go along for a while, but I'd still be hot for more when the last one was getting up to go. I felt this passion was a disease, covered it up and felt embarrassed by it around my very best friends. It took another two years working construction and mining to get the full version of this same damned lie into view. Play to your conventional strengths (adult approved, if possible, peer okayed, a necessity). What I began to see was that there had been people with this desperate passion of mine, all along — people called philosophers. They had had enough power and foresight to provide for their kind. In dizzying amazement it dawned there was a real possibility I could make my living by becoming one of them.

Goynea got buzzing right away, hit the embarrassment thing bull's eye and stayed awake with it half the night. He'd found satisfaction helping retards and something had clicked. He'd got angry and defensive with people who didn't see it that way. That was until he got the peer message. They'd dropped on him the choice between retards or motorcycles. He'd conformed then. Now the open and growing part of him was coming through again, agitatingly alive in the pavement within. Like I'd never seen, he got his

calculating side going too, asking questions, making contacts and arrangements, 'til he was sure the way was clear as he could make it to a job in direct care. What'll come of all that? There's no saying, especially when the need for assertion rises up, needing a kind of total action now. But the growing side was in better touch with the calculating side. That much was sure.

Playing to your strengths. "Your verbal is fine, quantitative is low. What do you feel about something in the humanities?" Something — read it, ANYTHING. Whilst, from below, engineering, business, computer science, in organized bands the upwardly mobile go — or failing that, and failing this and failing the other, with Dan, into the army.

Playing to your conventional strengths. Willing to go along, to get along, to make oneself gaily marketable, gratefully acceptable and gladly mechanical. Oh, the stifling, clotted embarrassment, to have to live it. Funny though, to look at people hopping about on only one leg.

Let's just look at this joke right here — the present embarrassed university. See embarrassed faculty hanging on to the one acceptable consensus. As though the sciences needed defense. Yet these puppets of the crisis managers defend only that kind of knowledge. If only in Utopia, only on Prospero's isle, educated faculty, liberated from embarrassment, dissolve existing forms of consensus to replace them with liberated bases of social action. Only so do they get after the crisis managers and

deal them their deserts. Here the sociologists are crisis managed by scientism, embarrassed into taking surveys for the sake of *unimpeachable* data. Crisis managed historians stick to their ratty periods — the entire empirical basis of the humanities, namely, the history of the formation and dissolution of effective human consensus — is denied. This *in-house* poison of the humanities by science secures impotence all by itself. The joke becomes hysterically funny. A faculty internally embarrassed by a mere intellectual lie supposes it can be potent against crisis management from the outside. Without humanistic, solidarity creating power, that a union makes any difference is simple ignorance of the history of unions. The joke gets dirtier and becomes gallows humor on the larger scene. We are summoned to believe, counseled to take for true that the instituted might of a liberal arts university is impotent against Helena, but there is some force out there that can challenge established militarism. And it is still beyond the nations the call of wildness reminds us that we, the humans, are the wildest animals of all, that fundamental embarrassment itself is a natural, human way of wildness. Meanwhile, back at the jail — though my point is we are still too embarrassed to have left it — Goynea's "problem" is to play to his *conventional strengths* and open a line of meaningful work; to do this in an environment hostile to humanity on principle and to do it entirely alone.

Bryan Black
asst. prof., philosophy



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classified ads

lost and found

- LOST ORANGE & yellow Gensy down coat at the Trading Post Sat night. Pair of brown plastic rimmed glasses in pocket. 243-5035. 20-4
- LOST KITTEN 3 months old, black and white striped female. Lost near Sandwich Shop on Arthur St. Please call 728-0958. 20-4
- LOST Ladies brown rim glasses and beige case, after 5 721-5055. 20-4
- LOST REWARD White U. of M. zoology notebook. Lost Wed. at Grizzly Pool—men's locker. Call Mark at 243-2097. 20-4
- LOST SMALL brown leather coin purse with side pocket and zipper. Call Lissa, 728-0334. 18-4
- FOUND A set of keys for a Volkswagen. Can be claimed at the Campus Recreation Office, WC 109. 18-4
- LOST SET of 2 dorm keys on a leather keychain with name Janet on it. If found, call 243-5055. 18-4
- LOST SIBERIAN Husky, 11 weeks old, red and white with blue eyes. Reward. Call 721-1599. Ask for Mark. 18-4
- FOUND A pair of leather gloves by Forestry Bldg, bike rack. Claim at Forestry 110. 18-4
- LOST LADIES white gold ring, with blue stone. Ladies Black Hills gold ring, ladies gold watch and keys. SUBSTANTIAL REWARD offered for return of any of these. Call Mary at 243-5545 or 721-4227. 18-4
- FOUND PAIR of gold wire rimmed glasses in case, found in LA classroom. May be picked up in LA 422. 17-4
- FOUND JC Penney Bicycle in Elrod Parking Lot Tuesday 10/17. Call and identify 721-1977. 17-4
- LOST GREEN down Tempco vest (small) in Copper Commons or Forestry. Call 728-1079. 17-4
- LOST ORANGE book of poetry, "Triada" by Sam Hamill in the Reserve Book Room or on the Oval, Wed. afternoon. Call TOM REA, 543-3904. 17-4
- LOST SWISS Army knife left on sink in women's bathroom near Music 115. If found please return to Cindy Hanson, P.O. Box 2731, Missoula, MT 59806. Sentimental value. 17-4
- LOST GRAY sweatshirt with camera in front pouch. Lost on rugby field near Community Hospital last Wed. Please leave at UC desk or call Joy, 549-1501. 17-4
- LOST 4 keys on a silver ring. 721-4788. Lost 10/19. 17-4
- FOUND CALCULATOR 10/11, claim at 327 LeVasseur Street. 12-9

personals

- FRIENDS (QUAKER) Meeting Sun., Oct. 29 10:30 a.m. 910 Ronald Ave. Discussion: Life of John Woolman. 20-1
- VEGETARIAN AND MEAT Pizza — 75¢ with salad \$1.60 tonight 5:00-9:00. High Mountain Cafe, 508 Woody St. 20-1
- 15 SCHOOLS participate in the Liberal Arts Study Abroad Program to London and Avignon. Winter and Spring terms filling fast. Info. in 107 Main Hall, 243-2900. Act now! 20-2
- SLEEPING CHILD Hot Springs—A place to relax—hot, steaming pools of water. Fine drinks, all in the great outdoors. Ask anyone, they'll tell you where it is! One free strawberry daquani with this ad! 20-1
- GAY MALES Together meets Tuesdays at 8:00. For more information call The Gay Alternative Hot Line at 728-8758. 20-1
- DO YOU think the city of Missoula has transportation problems?? If you do, contact me, Cynthia White at 728-8845. I am running for the transportation board and would appreciate your comments and suggestions. Paid for by Cynthia White for transportation board. 1805 Missoula Ave. 20-1
- WANTED MEN and WOMEN sick and tired of shaving. Enter the Forester's Ball Beard-Mustache and Hairy Legs Contest. Deadline: Oct. 27. 20-1
- BILL NORMAN your senator in District 47 which includes the area around U of M and the campus has always worked hard for full University funding. He also has worked for and supports initiative 80 to limit nuclear power in Montana. Paid for by donations to the Norman For Senate Club — Margaret O'Brien, Sec. 440 Connell, Missoula, Mont. 19-6
- STOP SHAVING. Sign up in the Forestry School for the Forester's Ball Beard-Mustache and Hairy Leg contest. Deadline, Oct. 27. 19-1
- BILL NORMAN Supports University Funding. Bill has challenged his opponent to debate University Funding. Will his opponent meet the challenge? Paid for by Donations to the Norman For Senate Club, Margaret O'Brien, Sec. 440 Connell, Missoula, Mt. 19-2
- LUCKY, SCHLITZ, TUBORG kegs. \$25. Deposit and one days notice. Mark Hruska, campus rep., 721-5844. 19-2
- OH WOW! Whole wheat hotcakes with yogurt and whipped cream. From \$1.15. Old Town Cafe. 127 Alder. 7 a.m.-2 p.m. 19-2
- TENNIS RACKET clearance sale. Wilson, Yamaha, Durafiber, Dunlap. Big Serve Pro Shop, 101 Brooks. 15-6
- UNPLANNED PREGNANCY Options—Call Marie at 728-3820, 728-3845 or 549-7721; or Mimi at 549-7317. 1-40

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- RUSTY. WHERE are your rollerskates? 20-1
- COSTUME PARTY Sat. 28th, 7:00, 526 Connell. Next to campus. 17-4

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- WORK-STUDY position open with Student Action Center. Person involved in community affairs and environmental projects. Editing skills and/or graphic design talents useful. Apply room 105, UC SAC office 8-16 hours per week. 19-6
- EDITORIAL SECRETARY, work-study, in the Kaimin offices working with the clippings file. Apply in J206. Interviews by appointment. 18-7
- THE KAIMIN needs 2 full-time legislative reporters for Winter Quarter. Resumes plus a 5 page (maximum) analysis of how the legislature can best be covered by 2 reporters should be sent to Journalism 206. Deadline is Friday, Nov. 17. 17-6

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now accepting applications for two full-time legislative reporters for Winter Quarter. Reporters will cover the 1979 Legislature first-hand from Jan. 1 until the session ends. The job pays \$230 a month and omnibus credits are available. Resumes should be accompanied by an analysis (five page maximum) of how the Legislature could best be covered by two reporters. Applications should be sent to Paul Driscoll, Kaimin editor, Journalism 206, University of Montana. Deadline is Friday, Nov. 17.

For more information contact the Kaimin at 243-6541.

The Montana Kaimin is an equal opportunity employer.

Spooks to haunt frat house

Sigma Chi Fraternity house will take on an eerie look Sunday afternoon when KYLT and the Missoula Children's Theatre will present the Third Annual Haunted House.

About 20 fraternity members will help four ac-



tors from the theater group stage a Halloween show Sunday though Tuesday, John Hemstad, who is in charge of the program at the fraternity, said Wednesday.

The Haunted House will open its doors from 4:30 to 10 p.m. Sunday and 6 to 10 p.m. Monday and Tuesday. Cost is \$1 per person and all proceeds go to the theater.

The house will be open to people of all ages, but Hemstad said an extra hour, from 10 to 11 p.m., might be added for adults. He said changes in the script and props would be made during that time to make the house "Scariest" than it would be for children.

Boogie at Women's Place

Women's Place is throwing a Halloween fund-raising bash Tuesday night, featuring Poor Monroe and Big Sky Mudflaps, at the Orchard Homes Country Life Club, 2537 S. 3rd West.

Costumes are optional, and a prize will be awarded for the best costume.

Goods donated by Missoula merchants will be auctioned off at 10 p.m. All proceeds will help support Women's Place rape relief and health programs.

The party is scheduled from 8 p.m. to 1:30 a.m. Admission is \$2.50, children under 12 are admitted free and beer is 25 cents.

Nuclear Free group will send up balloon

A balloon release and press conference is planned for Halloween Day by Nuclear Free Missoula, supporters of a zoning resolution which would ban nuclear power and nuclear waste facilities in Missoula County.

The released balloons will signify how and where radiation from nuclear facilities could travel if an accidental release occurred.

According to industry and government information, an accidental nuclear release in Mis-

soula County could cause thousands of immediate deaths and thousands more from cancer and genetic mutations in the long run.

The balloon release is being held to inform residents of the Missoula County Nuclear Ban and to release information about nuclear-related accidents which have already occurred in or near Missoula County.

Balloons will be released first at Frenchtown, then at the

Astronomers show off telescope

By GEORGE HARDEEN
Montana Kaimin Reporter

A sun-viewing telescope and television monitor that were installed in the Science Complex two years ago are now operating.

The equipment, which includes a 12-inch sunlight tracking mirror called a "heliostat," two filters, and the telescope, is valued at \$40,000 and was obtained through a National Science Foundation grant and state funds, Thomas Margrave, associate professor of physics and astronomy, said last Friday.

The television monitor, located in the first floor lobby near the Physics and Astronomy offices, is government surplus and cost only the price of shipping charges, he said.

Margrave said the telescope does not look like an ordinary one because part of it is on the roof and part is on the second floor.

He said the heliostat on the roof automatically follows the sun and reflects the light to a filter on the telescope on the second floor. The sun's image is then transmitted to the monitor in the lobby. The filters, one calcium and the other hydrogen, are used separately and

are able to enhance different features of the sun, he said.

Like an Orange Peel

The television shows the sun's chromosphere, a layer of gas, primarily hydrogen, that is several thousand miles deep. Margrave said this "super granulation structure," looks like "a pitted orange peel" and is caused by hot gases rising and cooler gases falling.

Other visible features include:

- flares, which are sudden releases of energy that appear as mottled white spots then brighten and fade within a few minutes.

- sun spots, which are associated with strong magnetic fields and are about 1,000 degrees Fahrenheit cooler than their surrounding area, and appear as groups of dark spots.

- prominences, which are tongue-like clouds of flaming gas, rising from the sun's outer edge and projecting into space. These appear as dark threads, and are visible as part of the corona during

a total solar eclipse.

Margrave said the next solar eclipse will occur at 9:22 a.m., Feb. 26, 1979. He said Missoula is in the narrow band around the earth in which the moon will appear to cover the sun completely.

Great Pumpkin is missing

LAKE ODESSA, Mich. (AP)—The Great Pumpkin of Lake Odessa is missing, and police are looking for a thief who might be baking several dozen pumpkin pies.

Burdette W. Livingston grew the monster fruit in his garden, harvested it 10 days ago and placed it on his front porch for Halloween. The pumpkin—84 inches around and 200 pounds—was stolen Monday.

Livingston said he figured it would have taken two men to lift it, "and there's not much to get hold of on a pumpkin."

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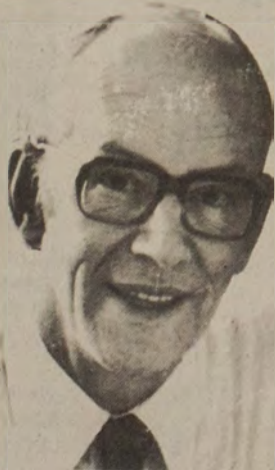
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LPNs . . .

• Cont. from p. 1.

persons, mostly strike sympathizers, broke into cheers.

Potts was elected by acclamation. For the striking LPNs and the coalition, however, things went downhill from there.

The rest of the coalition's slate was soundly defeated, each nominee losing by about 660,000 votes to 16,000 votes.

Besides Potts, others elected to the board were Marynell Kliber, Jack Haines, Horace Koessler, Jeanne Morris, Herman Effenberger and Dennis Williams.

The coalition also attempted to have three resolutions critical of the hospital's handling of the strike passed by the shareholders, but these resolutions were defeated by margins similar to those that marked the board member elections.

One issue that generated emotional debate concerned the board's action last month in changing the hospital's bylaws to allow one shareholder's vote for each dollar contributed to the hospital. The old bylaws made

each contributor to the hospital a shareholder with only one vote no matter what the size of his or her contribution.

The coalition charged that the new bylaw disenfranchised small contributors, and offered a resolution calling for a return to the old laws. Predictably enough, however, the resolution was overwhelmingly defeated.

Bill Potts, a union man employed at Hoerner Waldorf, said after the meeting that he realized he was probably named to the board as a token labor representative. By naming him, Potts said, the hospital probably hoped to "keep labor quiet."

But Potts said he intends to be an active voice on the board in support of the striking LPNs.

"They'll hear from me," Potts said. "They may not pay any attention, but I intend to speak my mind."

"I support the nurses 100 percent. In fact I've got my RV parked out there by the picket line so they can keep warm at night."

Public comment extended

The period for public comment on the proposed National Forest System land and resource planning rules has been extended to Nov. 29, according to the Forest Service.

The rules provide for integrated planning of all National Forest resource uses. A report on the adequacy of the regulations will be ready by mid-January and will deal with four major issues.

The first two issues, lands suitable for timber production and silvicultural standards, will be

discussed at a meeting Nov. 1 to 3 in Seattle. Wilderness and timber harvest scheduling will be discussed Dec. 7 and 8 in Sacramento, Calif.

The public is welcome to attend these meetings but there will be no public discussion.

You can travel 'cross this entire land,

But there ain't no place like Birmingham.

—Randy Newman

Clean . . .

• Cont. from p. 1.

This should eliminate material that might find its way into Missoula air as particulate.

Carlson said the city has adequate equipment to clean every street in the city once a month. However, many major Missoula streets fall under the state Highway Department's jurisdiction. Carlson said this is a problem because the department currently owns only one street-cleaning machine for all of western Montana.

The City-County Health Department has asked the Highway Department to purchase another street-cleaning machine, Carlson said.

Most roads needing pavement belong to the county, Carlson said. He said 50,880 feet of county roads, mostly west of the city, would have to be paved under the plan.

Carlson also outlined plans to pave parking lots and currently unpaved street shoulders.

Other parts of the Missoula plan involve control of emissions from

such industrial sources as asphalt plants and veneer dryers.

Fireplace regulations and possible changes in street sanding are also being considered, Carlson said.

Carbon monoxide is another pollution problem for which the federal government has cited Missoula, but Carlson said it might not be as serious as was first thought.

Carlson said readings for carbon monoxide, which is created mostly by automobiles, were taken at the intersection of Brooks, Russell, and South avenues at a time when the "signal loops" were not working.

Signal loops are controls placed under the pavement that meter traffic flow and govern the traffic lights accordingly. The intersection has 14 loops, Carlson said, and none of them work.

Monoxide buildup occurs when cars idle, waiting for lights to change.

Therefore, Carlson said, the carbon monoxide problem in Missoula might be solved by fixing the

signal loops, which are still not working.

The other speakers took part in a panel discussion covering various aspects of Missoula air pollution.

Carlson said most of the odor Missoula residents smell comes from the Hoerner Waldorf plant, although he added that some of the odor might be coming from the sewage treatment plant and the Western Montana By-Products Rendering Plant.

Most of the smell comes from sulfur, Carlson said.

But Weeks said Hoerner Waldorf was "not afraid to stand on our record" in cleaning up its emissions. Weeks said that in the past 10 years Hoerner Waldorf has cut its emissions from 52,000 pounds a day to about 700 pounds.

Workshop participants also saw a slide presentation by Bolstad on the prevention of significant deterioration of areas already meeting federal air quality standards.

Bar . . .

• Cont. from p. 1.

Neff suggested the city could go a long way toward solving the litter problem if it would put in more litter barrels downtown. Committee chairman Bill Boggs agreed.

Cedric Hames, owner of My Place, cautioned the committee that a law such as the proposed ordinance might produce more problems than it would solve.

Hames said if he knew he would be arrested for allowing a person to walk out of My Place with an

open container, and therefore tried to restrain the individual, violence could ensue.

"Man," Hames said, "there's gonna be fights like you wouldn't believe."

The bar owners agreed that there is a problem and offered to work with the city to try to find a solution, but they made it clear that they are totally opposed to the proposed ordinance as it now stands.

The committee agreed to post-

pone any recommendation to the full council for approval until it can study the matter further.

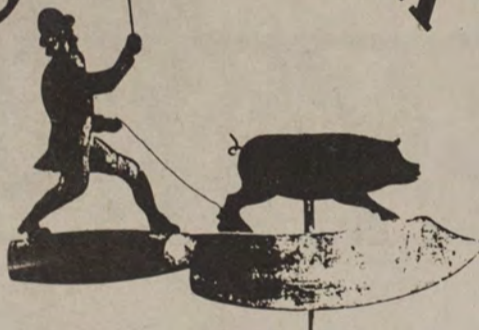
After the meeting, Captain Chase said he is not sure he still believes the ordinance would be the best solution.

"I was impressed with what I heard today," Chase said. "I think both sides learned a lot."

You haul your ashes and I'll haul mine.

—Tom Rush

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Watercolor exhibition 'delightful'

By EFFIE MARCOS SERLIS
Montana Kaimin Fine Arts Editor

The fascination of watercolor for me has always been in the delicate bonding of the color with paper and the incredible versatility of effects possible.

The show at the Missoula Museum of the Arts, Montana Juried Watercolor Exhibition,

capture a quality of time as a moment of light. The usual attempt in watercolor is to try for a subtlety in color and light brush movement. One interesting painting, which reminded me of Charles Russell's style, was done of a man standing in a creek fishing. The painter's style is both unusual and personal and falls into the genre of typical watercolor with its sense of

ing gives the painting an earthy quality. The colors are off-beat, having many deep-tone greens and reds.

A painting done on extremely heavy, textured paper by Jerry Iman, "Sheep Creek," uses thin washes built up to the appearance of density. His painting looks like an oil painting because of the paper's texture, which causes it to look like the weave of a canvas under many coats of paint.

Michael Standih's "(57)" achieves a dramatic effect in its striking railroad engine done in chiaroscuro, which is dark dark color contrasted by light light color.

There are a number of paintings in the show using more than one kind of watercolor. Acrylics, watercolors, inks and gouache were used together in different combinations to achieve varying effects.

Judy Hoy uses watercolor and acrylic in her painting, "Flam-mulated Owl," to achieve a slightly layered, smooth, opaque effect with the light touch of a watercolor. Another woman, Rita Isch, uses watercolor and ink in her interesting painting, "Snow Deer."

"No arbitrary categories were designated for judging" this show, the catalogue advises, so what you'll be seeing is the very best of a variety of styles and expressions. It will run through Nov. 9 in the museum at 335 N. Pattee St.

In case you're really ambitious, another watercolor show featuring three artists will open Sunday, Oct. 29, and run until Nov. 12.

This show should be especially interesting as one of the artists, Mary Warner, is a faculty member of the University of Montana art department and Patricia Forsberg is a UM graduate student in art. Suzanne Lamon, the third participant, is currently residing in Washington.

The exhibition will be hung in the University Center Gallery and there will be a reception on Sunday, Oct. 29, from 12-4 p.m. The gallery hours are 10 a.m.-4 p.m. and 6-8 p.m. weekdays and 12-4 p.m. on Sunday.



strives to show, the museum's catalogue states, "artists' skills in handling the medium as well as variety of subject and individual treatment or technique in the use of watercolor painting."

The show succeeds in meeting these criteria and I encourage anyone with even a passing interest in watercolor painting to attend this delightful show. All paintings are by native or resident Montana artists so you'll be able to see what Montana artists have been doing.

Of all painting techniques and mediums, watercolor affords the most delightful speculation to the observer. The lightest, most transparent touch of color on paper and the luminosity of color afforded by watercolor is vivid and delicate. It is an adaptable medium. The fluidity of application and the grace of a well executed brush stroke makes it interesting and a challenge to the painter. The variety of effects shown in this collection range from a dense, almost oil painting effect, to a blended and feathered effect that is flowing and beautiful.

An award-winning painting showing the radiance of color characteristic to watercolor is "Summer Orange" by Jan Rothermel. There are many paintings exhibited that seem to

suspended time.

There are many paintings of nature and of the mountains I like best and which would be most distinctive of Montana art. A very beautiful painting by Walter Hook uses pastel colors with a slightly opaque quality to portray "Mckenzie Ridge," which looks like a sunset or dawn over the mountains.

Aside from paintings of scenery there are some exceptional paintings in an abstract style done in gouache by Leslie Van Stavern III. Gouache is a nontransparent watercolor that produces a rich, flat surface of intense color. Van Stavern's very personal style is flat and done on one pictorial surface like a tapestry or rug. Her "Portrait of a Rug" looks something like a mosaic with little shapes of subtle color fitting together to form the design of the rug.

"Flathead River" by Peter Fletcher uses a mosaic style also, but here the colors are transparent and bright.

"View from the Rocks" by Richard Torrence was my favorite painting of the show. Torrence uses a most curious abstract style in his realistic painting of a woods scene. Transparent overlapping colors used in the painting of rocks suggests an airiness but the adeptness of his structural render-

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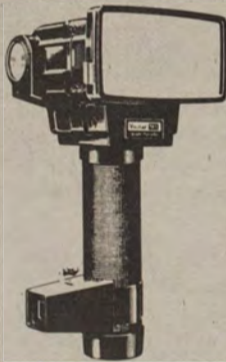
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Zoom/tilting flash head lets you vary lighting pattern to match camera lenses. Choice of 5 automatic settings for depth-of-field control. Accessories included.
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Vivitar 51 Electronic Flash
The lightweight Vivitar 51 provides over 200 flashes from a single battery. Guide #. 22 (ASA 25). Recycles in just four seconds. Built-in hot shoe. Color corrected lens.
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Vivitar 273 Thyristor® "System" Auto Electronic Flash
The 273 is the lowest priced Vivitar "system". Tilting flash head for soft bounce-lighting. Choice of 3 automatic settings for depth-of-field control.
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Sale Price: \$32⁹⁷



Panasonic AM/FM Digital Clock Radio
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Sug. Retail: \$64.95
Sale Price: \$39⁹⁷

Panasonic RQ-312 Portable Cassette Player/Recorder
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Panasonic



Pioneer Centrex AM/FM/CB Portable Cassette Player/Recorder
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Sale Price: \$89

CENTREX by PIONEER

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Pioneer KP-4000 In-Dash Cassette Deck, AM/FM Stereo Pioneer TS-690 6" x 9" Dual Cone Speakers

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Sale Price: \$149

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Panasonic CX-385 Under-Dash 8-Track Tape Deck

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Record and play your own 8-tracks, or listen to beautiful FM stereo. Features automatic and manual level controls, pause button, time/tape counter, auto-stop switch.
Sug. Retail: \$289.95
Sale Price: **\$169⁹⁷**

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This "sound-sational" system is packed with features, including an automatic record changer with anti-skate, damped cueing, auto-shutoff. Includes a hinged dust cover, cartridge. The tape deck offers auto-stop, automatic/manual recording level control.
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*Wattage shown is minimum RMS per channel at 8 ohms from 20 to 20,000 Hz with no more Total Harmonic Distortion (THD) than indicated.

STEREO COMPONENTS/ACCESSORIES

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Kenwood KR-9600 AM/FM Receiver
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Pioneer Centrex 8-Track Player/Recorder
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Sug. Retail: \$249.95
Sale Price: **\$135**

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AKAI AM-2600 Stereo Integrated Amplifier
AKAI's AM-2600 is both a pre-amp and a power amp. Kicks out **60 watts** per channel. 0.1% THD*. Audio muting, twin filter controls, tone switch. Tape monitor control.
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Sale Price: **\$469⁹⁷**

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AKAI AA-1150 AM/FM Receiver, 50 w/ch*	399.95 259.00	Panasonic CD-303 Cassette Deck	134.95 79.00	Panasonic 16" Black & White Portable	179.95 119.00
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Marantz 2330 AM/FM Receiver, 120 w/ch*	769.95 525.00	TEAC A-640 Cassette Deck	600.00 379.00	PHOTOGRAPHY	
AKAI AM-2200 Amplifier, 20 w/ch*	149.95 99.00	<small>*Wattage shown is minimum RMS per channel at 8 ohms from 20 to 20,000 Hz.</small>		Braun 40 VCR Flash	199.95 119.97
AKAI AT-2400 AM/FM Tuner	199.95 139.00	STEREO and TAPE ACCESSORIES		GAF 1666Z Projector	99.95 49.97
AKAI AT-2600 AM/FM Tuner	299.95 199.00	Maxell ED-C90 Cassette Tape, 90 min.	5.70 3.49	Braun 23 BC Flash	54.95 34.97
Phase Linear 4000 Pre-Amp	659.95 349.00	Scotch Master III Cassette Tape, 90 min.	5.29 3.55	Braun 380 BVC Flash	169.95 99.97
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BSR 2260BX Record Changer	64.95 39.00	Empire 2006 Magnetic Cartridge	90.00 49.00	Perlin Leather Gadget Bag	42.95 19.97
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EPI 200 Speakers	ea. 260.00 149.00	STEREO COMPACTS			
Technics SB-4500 A Speakers	pt. 299.95 219.00	Panasonic AM/FM Cassette System	399.95 299.95		
Infinity 3000 Speakers	ea. 210.00 179.00	Panasonic "Thrusters" Speaker System	pt. 139.95 89.95		
		Panasonic Deluxe AM/FM Phone	299.95 249.00		
		Panasonic AM/FM 8-Track Stereo System	399.95 329.00		

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Today: Eugene List, concert pianist, 8 p.m., UC Ballroom. Tickets are \$3 for students and senior citizens and \$6 for the general public.

Coffeehouse, Marianne Melton, 8 p.m., UC Lounge, free.

Films on Campus

Saturday: "Wild Skis," professional ski film, 8 p.m., UC Ballroom. Tickets are \$2.50 for student and \$3 for the general public.

"Wings of Eagles," nature film, 8 p.m., Copper Commons, free.

Sunday: "Key Largo," 9 p.m., UC Ballroom, free.

Monday: Pre-Halloween treat—original "Phantom of the Opera," 6:30 p.m., Missoula City-County Library, free.

Workshops and Seminars

Today: Mathematics colloquium, "Lie Coalgebras," 3 p.m., Math 109, preceded by coffee at 2:30 p.m., in Math 206.

Student American Pharmaceutical Association Conference, 8 a.m., UC Montana Rooms. Through Saturday.

United Learning Institute Conference, 8 a.m., UC Montana Rooms.

Special Education Back-to-Basics Conference, 9 a.m., UC Montana Rooms.

Saturday: Law School Employment Symposium, 8:45 a.m. to 12:15 p.m., Village Motor Inn.



Fellowship Banquet, 7:30 p.m., Gold Oak East.

Sunday: Informal meeting of CB delegates to discuss nominations, 6 p.m., 3515 Paxson (basement).

Monday: Geology Advisory luncheon, noon, UC Montana Rooms.

Spurs Halloween party, 6:30 p.m., UC Montana Rooms.

Benefits

Tuesday: Halloween benefit for Women's Place, 8 p.m., Orchard Homes Country Life Club, 2537 S. 3rd West; auction at 10 p.m.

Miscellaneous

Today: Costume sale from UM drama productions, noon-6 p.m., UC Mall.

International Folkdancing, 7:30 p.m., Men's Gym, free.

Saturday: Dance Concert, Tandy Beal, 8 p.m., University Theater. Tickets \$2.50 and \$3. Box office opens at 7:30 p.m.

Sunday: Gallery reception, 7 p.m., UC Lounge.

Hollywood unfair to Latins, Rutgers professor charges

(CPS) — Latin Americans are not being given a fair representation in Hollywood movies, according to a Rutgers University professor.

While the image of blacks in movies has been upgraded, Dr. Allen L. Woll claims Latin Americans are still portrayed as greedy bandits, bungling fools and hot-blooded hussies. Woll, who teaches Latin American Studies, says Hollywood films have shown Latin Americans to be villainous, ridiculous, or violently passionate since early silent movies like "Tony the Greaser."

Woll has summarized his views in "The Latin Image in American Film," a publication of the Latin American Center at UCLA. The worst part of it, he says, is that Latins are usually not picked to portray their own race in leading roles in films. The classic example is actor Ricardo Cortez, who was born Jacob Kranz in Hungary. Mexican revolutionary Emiliano Zapata was played by Marlon Brando, and Che Guevara was portrayed by Omar Sharif.

Woll believes World War II helped the Latin portrayal. In order to hinder Nazi propaganda in South America, Woll says, Washington pressured Hollywood to treat the Latins with respect in film portrayals. The improvement was short-lived, Woll points out, as filmmakers slid back into their old ways at war's end.

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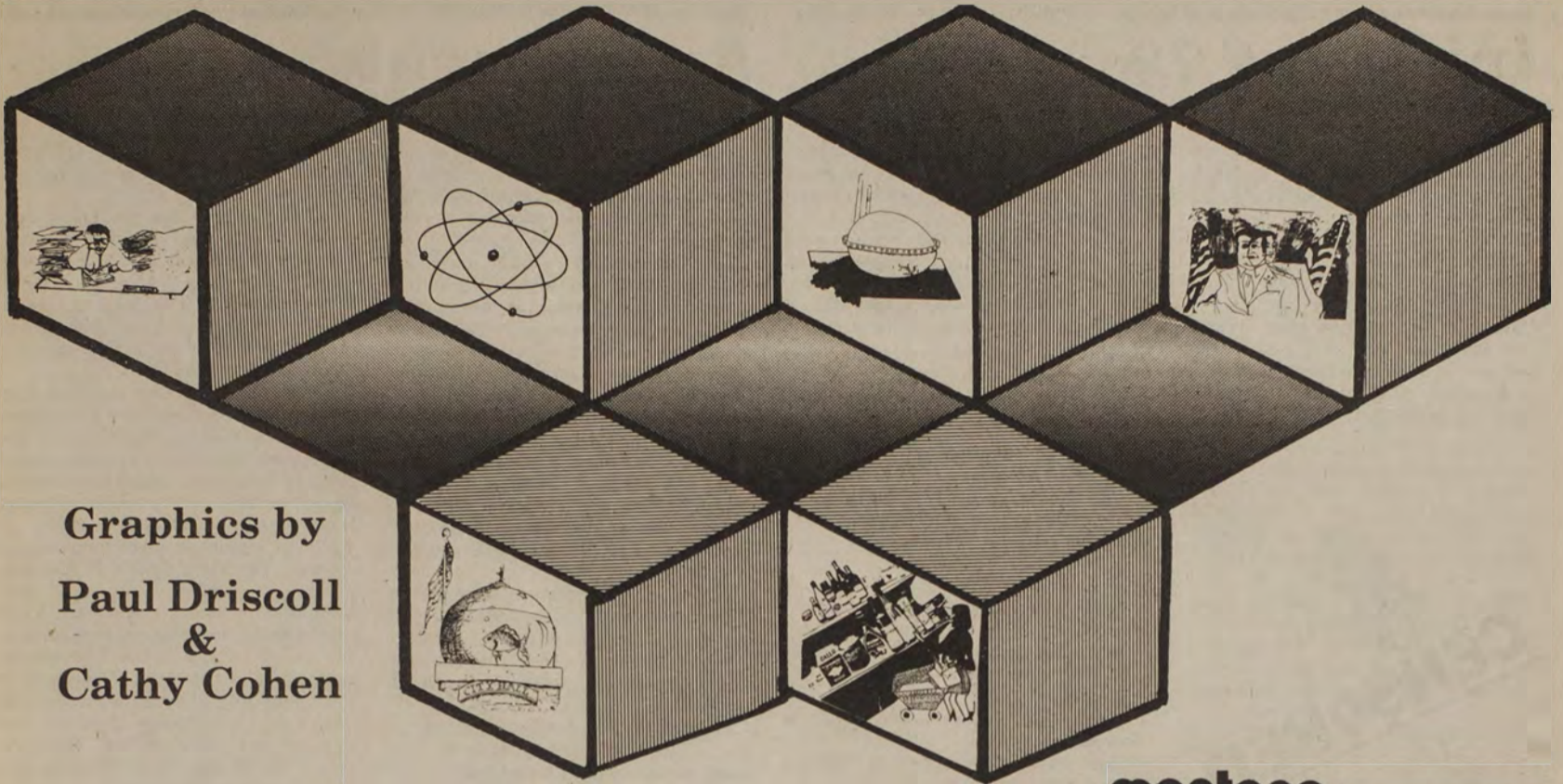


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REVIEW

Decisions

On Nov. 7, Montana voters will decide 11 ballot issues — the most they have considered since 1920.

Among other issues, the voters of 1920 had to decide whether counties should be allowed to legalize boxing. This year's decisions will affect everyone from high school beer drinkers to state legislators wishing to seek other elective offices during their terms.

The ballot will also include one city and one county issue. The county issue calls for a "nuclear-free Missoula," and the city issue — in three parts — asks voters to approve or reject the Missoula Comprehensive Zoning Ordinance. The ordinance has already been approved by the City Council.

Montanans seem to be in a decisive mood because they will decide more ballot

issues than voters in any other state. And, Montana has the only initiative asking to empower voters to approve or reject any nuclear facilities proposed in the state.

Some of the issues seem to go together. For example, Constitutional Amendment 4 would allow the Legislature or the voters to establish the legal drinking age, while Referendum 74 asks voters to raise the drinking age to 19. Amendment 4 must pass in order for Referendum 74 to be valid.

Two Issues Numbered '8'

Confusing? Wait until the voters see there are two constitutional issues numbered 8. One, Constitutional Amendment 8, would allow a member of the Legislature to run for another public office during his term without having to resign.

The other, Constitutional Initiative 8, seeks to remove the responsibility for certain property tax assessments from the state and restore it to the counties.

Both measures, if approved, will amend the constitution. The difference between them is how they got on the ballot.

Constitutional Amendment 8 was placed on the ballot by the Legislature. Constitutional Initiative 8, on the other hand, was placed on the ballot as a result of petitions signed by Montana voters.

Similarly, a regular initiative is a proposed law placed on the ballot by public petition and a referendum is a proposed law placed on the ballot by the Legislature. Both need voter approval to become law.

Montana Kaimin staff and reporters have prepared the following synopsis of

the 11 ballot issues. Major points for and against each issue are presented as well as an explanation of each.

Roberta Frank, county clerk and recorder, urges all voters to be familiar with the issues before going to cast their votes. Otherwise, she said, the lines will be "extremely long" while uninformed voters read through each ballot issue.

But, Frank said, if a voter is uninformed "it is better not to vote (on that specific issue) than to take a wild guess." Each vote will count toward an issue regardless of whether all issues on the ballot are voted on.

Students living on campus will vote in the University Center and those living in married student housing will vote in the Elliott Village Clubhouse.

Referendum 75

Of all the ballot issues, Referendum 75 most directly affects students in the Montana University System.

The referendum asks voter approval to continue assessing a state-wide six-mill property tax which goes solely to support higher education.

The six-mill levy provides about 15 percent of the total university system budget. It has been approved by voters every 10 years since 1948.

Jack Noble, fiscal affairs deputy to the commissioner of higher education, has said that should the referendum fail, student fees may increase, or even double.

A state-wide campaign headed by Hal Stearns, former Montana newspaperman and 1936 University of Montana graduate, began in the spring. Stearns is confident the levy will pass.

He said that for campaign purposes the state has been divided into 15 districts. Alumni from each of the six university system units are conducting campaigns to support the levy.

In May, Stearns said, most people did not know what the six-mill levy was.

However, Stearns added, he has since talked to more than 75 conventions and countless service clubs on behalf of the levy.

"The recognizability has changed remarkably," he said.

Stearns said supporters have raised about \$70,000 for the campaign.

"The major part of the donations are from people of modest means," he added. The campaign also has received \$5,000 from the Montana Power Co., \$5,000 from the Anaconda Co. and \$5,000 from UM and MSU bookstores.

Stearns said a formal advertising campaign will take place in the last three weeks before the election.

The media have been "unbelievably generous" with editorial endorsements and news space, he said. "It's a rare politician who has the backing this campaign does."

In 1968 the levy passed in all but three counties in Montana. It failed in Missoula County by a 200 vote margin. The levy also narrowly failed in adjacent Lake and

Mineral counties.

Statewide, the levy passed by 38,220 votes.

There has been no apparent organized effort to defeat the levy, but in a voter information pamphlet, prepared by the secretary of state, two legislators voiced opposition to the six-mill levy referendum.

Sen. John Manley, D-Drummond, and Rep. Carl Smith, R-Olive, state that they oppose the referendum because the money that the levy provides could be offset by ending program duplication and "curtailing various programs which do not benefit Montana students or citizens."

The two also say that persons who benefit directly from the "educational opportunities available at the universities should bear a heavier burden of the cost of providing such benefits."

An argument advocating passage of the levy maintains that every Montanan has direct or indirect interest in the state's university system, which provides higher education opportunities for Montana's youth.

Tom Harvey



Initiative 79

Initiative 79 is a proposed bill that would change Montana criminal law by allowing communities to adopt obscenity ordinances more restrictive than what state law currently permits.

Angry Flathead Valley residents formed a group called Citizens Against Pornography last year, then initiated the drafting of the measure after learning that state law does not prohibit the operation of two pornography book stores in Kalispell. One of the stores was destroyed by fire in 1976.



The proposed bill won a slot on the Nov. 7 ballot in September after proponents gathered the needed 16,000 petition signatures. Soon thereafter, an opposition group, Montanans Against Censorship, formed to counter the bill.

Members of MAC are: the Montana Library Association, the National Theater Owners of Montana and the Montana members of the Pacific Coast Independent Magazine Wholesalers Association.

Major debate on Initiative 79, according to Robert Campbell, a Missoula attorney and coordinator of MAC, is whether the proposal would give communities the power to censor books, films or even ideas.

The "question is censorship," Campbell said, "but people are not aware of that. People think they will be voting against porno shops."

"If it passes, it will extend what happened in Helena," Campbell said, referring to the Sept. 12 ban of the book, "Our Bodies, Ourselves," by the Helena School District 1 board of trustees.

Campbell said Initiative 79 would give local committees the power to use the revised criminal law to ban certain books from libraries.

According to Campbell, who was a delegate to the 1972 Montana Constitutional Convention, the initiative is unconstitutional and unclear in its meaning.

He said it fails to define:

- how censorship committees would be established.
- how community standards would be set, and under what guidelines and restrictions.
- how such committees would be financed.

Don Nelson, chairman of Citizens Against Pornography, said "there is no way the initiative would set up committees to determine what is obscene."

He said communities would have the option to do so if they passed ordinances stipulating that a committee is needed.

"What 79 would do," Nelson said, "is allow broader control of hardcore porno in the community." Nelson added that guidelines established by the U.S. Supreme Court already prevent communities from banning what they consider to be objectionable.

"The court has already defined what is obscene," Nelson said, "and a community could not go beyond that to adopt specific obscenity standards."

But, Campbell said, it is a question of states' rights over federal interpretation of the issue. He added that the proposal could hinder rights granted by the Montana Constitution, which states: "No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on any subject, being responsible for all abuses of this liberty."

Victor Rodriguez

Amendment 5

Constitutional Amendment 5 would give the Montana Legislature control over state budget revisions between legislative sessions, a power now wielded by the governor.

The amendment would authorize "establishment of an interim legislative committee to approve or disapprove budget amendments to spend funds not appropriated at the preceding sessions."

The Legislature controls state spending through the appropriation process during its 90-day biennial sessions. At stake in Constitutional Amendment 5 is control over the large sums of money that flow into state coffers between sessions, primarily from the federal government. Those funds are now distributed by the executive branch, through the governor's budget office.

Proponents of the measure say whoever controls state spending sets state policy — and the Legislature is elected to set policy.

Opponents argue that the measure would give too much power to a handful of legislators.

In an effort to control state spending, the 1975 Legislature created the Legislative Interim Finance Committee, a joint House/Senate committee, to authorize budget amendments — spending of funds not appropriated during the session. In 1976, after a court challenge by Gov. Tom Judge, the Montana Supreme Court found those powers to be unconstitutional.

The high court ruled that, although the Legislature controls the budgetary process through its appropriation power, the language of the constitution did not specifically allow it to delegate that authority to a committee and extend the power to include budget amendments during the interim.

Unwilling to Drop It

Unwilling to drop the matter, the 1977 Legislature voted by well over the necessary two-thirds majority to recommend a constitutional amendment granting it the interim budget authority it sought. That measure is now before the voters as Constitutional Amendment 5.

Speaking for passage of the amendment, Sen. Bill Norman, D-Missoula, noted in a recent interview that, while the total general fund appropriation in 1977 was about \$470 million, perhaps

as much as \$1.5 billion will pass through the state accounting system during the biennium.

Norman argues that the Legislature cannot curb the growth of state government and state spending unless it controls spending of federal funds between sessions. Often, programs are set up with federal funds, and the state is expected to assume the burden when the funds run out, he said.

"Often, the Legislature goes home, in comes the money, and the Legislature never gets a shot at it," Norman said. The Legislature "comes back next session and buildings are leased, supplies are bought, employees hired and a whole constituency is standing in line for state funds."

Not all legislators favor the measure, however. Rep. Gary Kimble, D-Missoula, argues it would create a "super committee" with excessive power. "A few select legislators would make decisions in the name of the entire 150-member Legislature," he has said. "To delegate so much authority to so few is inconsistent with the traditional notion and constitutional mandate that legislative power should only be exercised by the majority of the Legislature."

Too Much Power

Rep. Ann Mary Dussault, D-Missoula, added in an interview that besides placing too much power in the hands of a small committee, the amendment would place too much power in the hands of a very small staff — that of the legislative fiscal analyst.

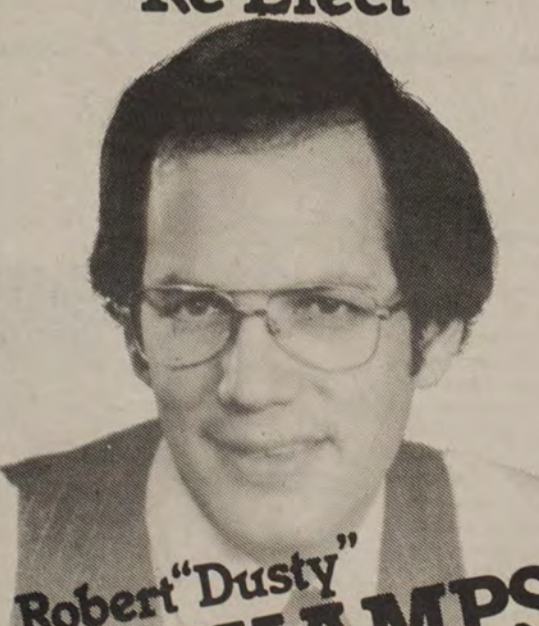
She also said the measure "begins to falsely negate the need for annual sessions." The 1972 Constitution "placed an enormous amount of power in the hands of the executive," a power balanced by annual sessions. "The demise of annual sessions tipped that balance of power. We need to tip it back," she said.

Dussault maintains the amendment "doesn't solve the problem."

"It should be the Legislature as a whole making state-wide decisions." Constitutional Amendment 5 would create "government by committee, rather than government by elected representation," she said.

Daniel Blaha

Re-Elect



Robert "Dusty"
DESCHAMPS
Missoula County Attorney

Democrat

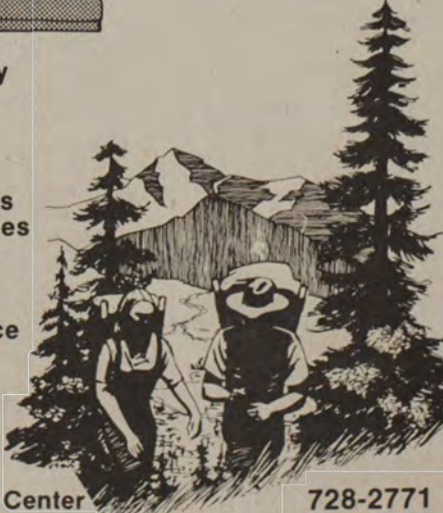
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Initiative 81

Sponsored by a group called Montanans Who Like Wine, Initiative 81 would allow the sale of table wines — those having an alcoholic content of 14 percent or less — in grocery and drug stores.

The idea has failed several times to pass into state law and those failures are generally credited to lobbying efforts by the Montana Tavern Owners Association.

Opponents argue that the initiative would require an expansion of the state bureaucracy to deal with new licensing and inspection procedures. Opponents also complain that it would put some state liquor store employees out of work and possibly lead to the closure of smaller state stores. Montana, they say, would lose almost \$3.5 million in tax revenue.

If the initiative passes, opponents argue, underaged persons would be encouraged to indulge in wine consumption, with wine being as available as beer is now.

Proponents of the measure claim that current state wine policies are inconvenient, and that passage of the initiative would both expand the market for wine (so that tax revenue would not be lost) and make it more competitive.

Additional jobs, they say, would be generated in the private sector.

Any increase in alcohol-related problems of young people has to do with the legal drinking age rather than the sort

of alcoholic beverages available beyond the confines of liquor stores, those in favor of the initiative claim.

Tax Loss Will Balance

The president of MWLW, Leonard Eckel of Helena, has said that although the state would lose revenue from the direct taxation of wine should the initiative pass, the loss would be balanced by additional money from licensing fees and savings in "warehousing, capital equipment, depreciation and inventory."

The opponents have stated that without the money coming in from current state handling of wines, Montanans will end up paying higher taxes in other areas to compensate for the loss.

Eckel said 35 other states have more liberalized table wine laws than Montana and that none of those states have suffered the consequences predicted by those against the initiative.

The attorney general's explanatory statement on the Nov. 7 ballot reads in part: "This initiative would amend the Montana liquor law to allow the private sale of table wine and make wine available in more locations....Grocery stores and drug stores would be allowed to obtain retail licenses for the sale of wine."

Susan Wenger

Referendum 74

If passed, Referendum 74 would raise the legal age for consuming or possessing alcoholic beverages from 18 to 19 and would make it a criminal offense to give or sell it to a person under 19 years of age.

This referendum originated in the Montana House of Representatives.



Proponents of the referendum claim that raising the legal drinking age would preserve the best interests of youth by safeguarding their health, safety and welfare. Their main justification behind raising the age is that serious problems have been created at schools because 18-year-olds tend to socialize with people younger than themselves and supply other students with liquor.

In addition, National Safety Council statistics show that fatal accidents related to alcohol use are highest among the 18- to 19-year-old age group on the national level.

Studies show that alcoholism in today's youth is increasing, proponents say.

Opponents contend that passage of the amendment and referendum would be discriminatory since it would deny one class of adults a right available to other adults. This, they argue, would create a special class of adults who could be arrested, prosecuted and punished for doing something other adults may legally choose to do, thus violating the "equal protection" clause of the U.S. Constitution.

Robert Campbell, a Missoula attorney and head of the local chapter of the American Civil Liberties Union, said in a letter to Rep. Bill Baeth, D-Libby, who is a proponent of the referendum, that these issues would "create a new class of criminals that are prosecuted somewhere between juvenile courts and the rest of the adult criminal law. All it would do is create a criminal offense for a person who has all other adult responsibilities."

Campbell's letter also says that highway deaths in Montana have decreased over the past three years.

18-Year-Old Criminals

The failure of school administrators to maintain discipline in the schools, Campbell continued, cannot be corrected by making 18-year-olds criminals for possessing alcohol. Opponents cite disrespect for the law as an underlying cause for discipline problems.

In a telephone interview, Campbell said he anticipates both Amendment 4 and Referendum 74 will pass. "The process is run by those who choose to vote," Campbell said, and "18-year-olds don't feel they know enough to vote....and they don't care enough to vote."

Judy Casanova

Amendment 4

Constitutional Amendment 4 and its companion issue, Legislative Referendum 74, involve changing the legal age for consuming or possessing alcoholic beverages.

If passed, Amendment 4 would amend a section of the Montana Constitution to read: "A person 18 years of age or older is an adult for all purposes, except that the Legislature or the people by initiative may establish an age of not more than 19 as the legal age for consuming or possessing alcoholic beverages."

This amendment would also make it possible to lower the legal drinking age in future years without amending the state constitution again. Proponents of the amendment claim that changes in society

may warrant this.

The amendment itself would not raise the drinking age, but would allow the age to be raised through sister issue Referendum 74.

The amendment, as well as Referendum 74, is backed by the Montana Education Association, the Montana School Boards Association, the School Administrators of Montana and the Montana Association of School Principals.

Arguments for and against Amendment 4 are essentially the same as those listed under Referendum 74.

Note that Amendment 4 must pass in order for Referendum 74 to be constitutional should it also be passed.

Initiative 8

Constitutional Initiative 8 would remove from the state and restore to the county assessors the responsibility for certain appraising and assessing of property in their counties.

It would also set up a seven-member State-County Equalization Commission to oversee the assessors and to make equal

property taxes throughout the state. The members of the commission would be appointed — two by the county assessors, two by the county commissioners, one by the state Senate, one by the state House of



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Initiative 8

Representatives and one by the governor.

Under the present system, the state Department of Revenue appraises and assesses property and establishes uniform property valuations, as authorized by the 1972 Montana Constitution. Although the county assessors are elected by the voters in their counties, their paychecks come from the state.

But it has not always been this way. In fact, Initiative 8 would create a system similar to the one in use prior to 1973. This system consisted of a 3-member state Board of Equalization, the county assessors and 56 separate county equalization boards. The county commissioners constituted the county boards and the members of the state board were appointed by the governor.

Both proponents and opponents of the measure have said the state equalization board did almost nothing.

Opponents of the initiative argue that the measure would require county assessors, who are unqualified, to appraise property. County assessors have not appraised property in Montana since the Legislature required them to hire appraisers in 1957. To appraise means to determine how much a piece of property is worth and to assess means to determine what tax should be levied on the property.

Retain Current Appraisers

However, Floyd Irion, county assessor of Sheridan County and chairman of the Committee for Local Control of Taxation, said an alternative to having unqualified assessors appraise property is for the counties to keep the appraisers they now have. Counties should take advantage of having people already trained by the state, he said. County appraisers are appointed by the Department of Revenue.

The problem with this is that the initiative specifically states that the county assessors shall appraise property.

Sen. Ed Smith, R-Dagmar, started the petition drive to put Initiative 8 on the ballot. If passage of the measure would

result in unqualified assessors appraising property, he said, "that would be the people's fault."

They should elect someone able to do the job," he added.

Arthur Shelden of Libby, a member of the committee which prepared arguments against the measure for the state voter information pamphlet, said that under the system prior to 1957 assessors did "favors" for friends in the form of low tax assessments. This would happen again if the measure passes, he said, because the assessors would have incentive to create artificially low tax assessments.

If a county does not raise enough money for its school systems through county taxes, the state makes up the difference from the State School Foundation. Thus, he said, if a county can get under-assessed it will pay less taxes while other counties will have to pay more to make up the difference.

Smith, however, said the measure will make assessors more sensitive to local tax problems. If a taxpayer should come to the assessor with a problem, he said, the assessor would have to deal with the problem — he could not tell the taxpayer to go talk to the Department of Revenue.

Homer Langley, Park County assessor and a member of the committee Shelden was on, said he made an informal poll of assessors when they met in Helena earlier this month. Of the 46 assessors present, he said, only four were in favor of Initiative 8. Most of the assessors would come out publicly against the initiative, he added, but they fear the political consequences.

A 'Fat Crock'

Curiously enough, Irion made the same claim. But when informed of Langley's poll results, he termed them a "fat crock." According to Irion, anywhere from 26 to 30 of the assessors were in favor of Initiative 8.

The main objection the measure's opponents have is that the counties would have to raise property taxes to administer the appraisals and assessments. The state

now spends about \$6.8 million per year for this.

However, Smith said, the job could be done for much less than that amount if it were done by the individual counties. He added that, if need be, the Legislature could appropriate money to help the counties appraise and assess property rather than providing funds for the Department of Revenue to do it.

However, opponents say the Legislature is looking for ways to cut costs and that if the counties want local tax control they may have to pay for it.

This may very well happen. The Legislature has been unfriendly to the

idea of local tax control in the past. During the last legislative session a bill which would have accomplished the same thing as Initiative 8 was soundly defeated. The bill was sponsored by Smith and Sen. John Manly, D-Drummond, another Initiative 8 backer.

In addition to that, the Legislature's Revenue Oversight Committee recently warned that if the counties become solely responsible for property assessment, they may have to bear the costs.

Frank Boyett

Amendment 6

Voter review of local government, such as the studies conducted throughout the state in 1975 and 1976, would become optional rather than mandatory every 10 years if Constitutional Amendment 6 is approved by Montana voters.



The concept of local government review arose from the 1972 constitutional convention, which in effect reviewed the state government by rewriting the state constitution.

Study commissions in each county and in each incorporated municipality were elected by the voters to examine all aspects of their respective governments and to write a report about their governments which included a proposed alternative form of government. The voters were then to decide whether to retain the status quo or to institute the proposed form of government.

Of the state's 182 local governments, 175 staged the government review and the voters of 31 of the 175 accepted alternate forms of government.

The proposed amendment is an attempt to define what some consider ambiguous language in the constitution. Currently the constitution requires only that the Legislature "shall require a review procedure once every ten years after the first election," which was held in 1976.

It is not specifically stated that "review procedure" include studies of every local government in the state as was required for the first election.

However, Attorney General Mike Greely wrote in the voter information



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Amendment 6

pamphlet that the "Montana Constitution requires a locally elected government study commission to review each local government once every 10 years."

The proposed amendment would require that before a local study commission could be formed, local voters would have to pass a ballot measure calling for the study. This must be done every 10 years.

Sen. Harold Dover, R-Lewistown, a proponent of the amendment, has stated that the Legislature budgeted \$1.1 million to the 1976 program reviews, yet only 31 of the proposals were passed.

Multi-Million Dollar Investment

Dover claims the Montana taxpayers received very little in return for their multi-million dollar investment. The proposed amendment continues with the intention of the constitution by supporting the review progress, Dover wrote, but does so by allowing the voters to determine the necessity of the review.

James Lopach, chairman of the UM political science department and director of the Bureau of Government Research, called the local government study program of 1976 "revolutionary and experimental — it fit into the whole mood of the constitutional convention since it was examining the state government."

The proposed amendment has two benefits, Lopach said: the local people will be able to decide when local study is needed and the limited resources the state has to offer to help with the review will not be simultaneously spread throughout 182 local government reviews. Instead, the process would be "selective and the state could concentrate its assistance in areas where local people have said 'yes, we want reform,'" Lopach said.

Sen. Pat Regan, D-Billings, is opposed to the amendment because she feels it would erode the people's power to change their government.

She has stated that the fact that some local governments changed their forms in 1976 and some did not is only "democracy as it should be."

The "cost of voter review is repaid by its benefits: a local government, knowing it's being checked up on, becomes more responsive and responsible. As the community changes, the government can change with it," she added.

Another opponent of the proposed amendment is John Toole, Missoula city councilman and a member of the 1976 Missoula local study commission. He called the mandatory system "very valuable," because it eliminated the terrific amount of work that was formerly needed to get referendums to change local governments on the ballot.

"There are a lot of communities," Toole said, "that are laboring under terrible forms of government," and, he added, Missoula is one of them.

Toole took exception to the argument used by proponents of the amendment that mandatory reviews aren't very cost effective since only 27 municipalities and four counties changed forms of government in 1976.

He considers those 31 changes a good record — noting that Silver Bow, Deer Lodge, Ravalli and Madison counties, with a total population in 1970 of 77,056, were the four counties to change forms of government.

Toole said that while most of the alternative government proposals failed at the polls, the success of the reviews in some of the larger cities proves it is a viable and worthy instrument.

Bob Verdon

Initiative 80

A measure giving Montanans control over nuclear plant siting has spawned a wave of controversy unparalleled by any other issue in the pre-election initiative campaigns.

The proposal, Initiative 80, qualified for the Nov. 7 election on June 25 when proponents submitted 18,333 signatures collected throughout Montana, well beyond the 15,863 signatures needed to qualify.

Two pro-initiative groups, Nuclear Vote in Helena and Headwaters Alliance through their political action committee in Missoula, have squared off against a utility-backed opposition group from Great Falls called Montanans for Jobs and Energy, said Mike Dahlem, spokesman for Headwaters Alliance.

According to the office of campaign practices and finances, the two groups have collected about \$8,600 to finance the statewide effort promoting the measure, as opposed to a figure of \$165,990 amassed by Montanans for Jobs and Energy. The group has spent \$130,074 of that amount.

A debate on the wording of the Montana proposal between two Westinghouse Corp. engineers and proponents of Initiative 80 was aired on public broadcast station KUED-TV in Salt Lake City two weeks ago. A similar debate was held at the University of Montana campus last week with two Pennsylvania representatives of Westinghouse Corp. and members of the Headwaters Alliance.

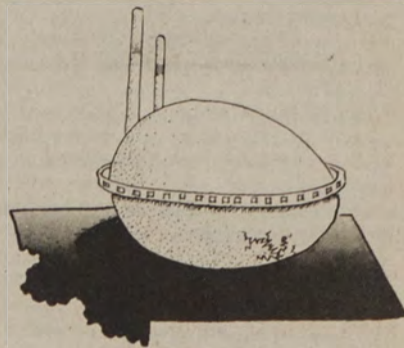
Westinghouse Corp., which tops the list of contributors against Initiative 80, is one of the largest builders of Nuclear Power Plants in the United States.

The list of restrictions the initiative would impose on future builders of nuclear plants include:

- Posting a bond equaling not less than

30 percent of the capital cost of the plant to insure against liability.

- Showing (that) radioactive material can be contained with no reasonable chance of escape.



- Comprehensive testing of similar physical systems in actual operation.

- Approval by the Board of Natural Resources.

- Approval by a majority of Montana voters in an election called by initiative or referendum.

According to a position paper released by Montanans for Jobs and Energy, the group opposes "banning of any potential energy source until public action results in positive solutions to the complex problems facing us," and supports "public education on energy-related matters so that the electorate can intelligently participate in the decisions to be made."

In addition, the group is "specifically dedicated to (the) defeat of Initiative 80 on the grounds that it is a ban on an important future energy option, that the initiative is deceptively drafted and presented, and that the legislation is at



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Initiative 80

least in part unconstitutional and wholly unwarranted at this time."

Despite allegations that Initiative 80 is unfit for the ballot, the Montana Supreme Court has ruled that the proposal has been properly presented before the voters for the coming election.

Yelling the Loudest

What the opposition is yelling the loudest about, Dahlem said, is the first provision of Section 4 in the restrictions, which states that:

"The board (of natural resources) may not issue a certificate to construct a nuclear facility unless it finds that: (a) no legal limits exist regarding the rights of a person or group of persons to bring suit for and recover full and just compensation from the designers, manufacturers, distributors, owners and/or operators of a nuclear facility for damages resulting from the existence or operation of the facility; and further, that no legal limits exist regarding the total compensation which may be required from the designers, manufacturers, distributors, owners and/or operators of a nuclear facility for damages resulting from the existence or operation of such a facility. . ."

Dahlem said the provision would go beyond the federal liability limit of \$560 million dictated by the 1957 Price-Anderson Act.

According to Initiative 80, in the event of an accident in excess of the legal liability limit of \$560 million, the victims

would have no limit to what they could recover, Dahlem said.

"No utility wants to take the risk of going bankrupt," he said, adding that utilities want the taxpayers to pay the price for accidents.

The difference between Initiative 80 and the 1976 state initiative that called for an outright ban on nuclear plants, Dahlem said, is that the 1976 proposal "required a guarantee of full compensation to the victims in case of an accident."

"That was impossible to meet," Dahlem said, adding that under Initiative 80, the Board of Natural Resources will decide whether provisions can be met by the utilities.

The list of politicians supporting Initiative 80 runs the gamut from big whales to small minnows.

Chief among the big politicians is Mike Mansfield, former senator from Montana and current U.S. Ambassador to Japan. Senate candidates Larry Williams and Max Baucus have both said they will vote for the initiative, with Williams saying he also will publicly endorse it. Neither Jim Waltermire nor Pat Williams, candidates for the U.S. House, have said they will publicly support or oppose any ballot issue.

Among local candidates supporting the initiative are state senate candidates Bill Norman and Bob Palmer and House candidates Ann Mary Dussault, Steve Waldron and Dan Kemmis.

Tom Harvey
Victor Rodriguez

Amendment 8

Constitutional Amendment 8 arose out of the 1976 Legislature over the issue of whether legislators can legally seek other public offices during their tenure as lawmakers.

The issue is commonly viewed as a constitutional housekeeping measure and applies only to state offices.

According to proponent Rep. Mike Cooney, D-Butte, Amendment 8 merely clarifies the 1972 Constitution by assuring legislators the same constitutional right guaranteed all citizens — the right to run for public office regardless of occupation.

Rep. William Menahan, D-Anaconda, who was one of three legislators to sign an argument advocating rejection of the measure in the voter information pamphlet, agreed that the state Constitution guarantees this right and therefore the Constitution should be left as is.

The joint statement opposing the issue claims the state has nothing to gain by the amendment; that the intent of the existing section is clear even if the constitutionality of it is not. The opposition argues that public officials should attend to the affairs of the office to which they were elected instead of using it as a platform to gain higher office.

Both Menahan and Cooney agreed that it is unnecessary for the state Supreme Court to decide the issue. "Hell, they do too much as it is already," Menahan said in a Kaimin interview.

Should the amendment be approved by the voters, it will most directly affect those

officeholders in the Montana Senate because state representatives serve two-year terms and senators serve four-year terms. In short, a member of the Montana House will already have served out his term in the Legislature before filing for another state office.

'Hedging One's Bets'

A senator winning a four-year seat in the Nov. 7 election, on the other hand, could conceivably run for governor in 1980 without resigning his legislative office — a means of "hedging one's bets," Cooney said. The amendment explicitly states that a legislator must resign his seat before assuming another office.

When introduced as a bill, the Senate passed Amendment 8 overwhelmingly. The vote in the House of Representatives was 68 to 26 in favor of the measure.

Legislators contacted said they were unaware of any organized efforts to either pass or defeat the measure. In fact, both Menahan and Cooney were appointed by Rep. John Driscoll, D-Hamilton, speaker of the house, to serve on committees to draft the arguments presented in the voter pamphlet. Cooney said he was originally asked to help write an argument opposing the measure. After reviewing his voting record Cooney found that he had supported the measure in the house and asked Driscoll if instead he could serve on the committee drafting the argument advocating passage of Amendment 8.

Paul Driscoll

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Amendment 7

Constitutional Amendment 7 would give the Montana Legislature the power to veto rules made by the State Supreme Court governing admission to the practice of law in Montana.

Currently, under the Montana Constitution, the Supreme Court has exclusive control over admission to the bar.

The main backers of the amendment are a group of legislators apparently dissatisfied with at least one of the state Supreme Court's rules, and with the power the court has to make such rules.

In 1969, the Supreme Court said that anyone taking the bar exam must be a graduate of an accredited law school. The court, however, added a "grandfather clause" to the rule, exempting for three years those registered with the court to

study law at home, and those who had attempted to pass the bar exam before but had failed.

According to Dean Robert Sullivan of the UM law school, the main force behind the amendment is the persons who were exempted from the rule. "These people have taken and failed the bar exam a number of times and aren't authorized to take it again" because they are not graduates of accredited schools and the three-year period has expired, he said.

Sullivan said the proponents of the amendment include Rep. James Mular, D-Butte, who Sullivan said helped push a bill through the 1973 Legislature authorizing those persons exempted in the grandfather clause to continue taking the bar exam. Sullivan said the bill was declared unconstitutional by the Supreme

Court because it felt the bill interfered with its power to oversee the rules for admission to the bar.

According to Sen. Carroll Graham, D-Lodge Grass, a spokesman for the proponents of the amendment, the Supreme Court has "immense power" in "determining the livelihood, if not the life, of the legal profession in Montana. It decides whether or not a person becomes an attorney and whether a person can continue in his profession as an attorney."

Graham continued saying that the Supreme Court's power must be subject to checks and balances and that it currently is not.

"The proposed constitutional amendment will provide the proper and necessary check and balance," Graham says.

Opponents of the amendment, according to Sullivan, are sympathetic to those whose time is running out for taking

the exam. These opponents are mainly against the amendment because of the "legal philosophy of the separation of powers," he said.

Sen. Everett Lensink, R-Bozeman, spokesman for the opponents of the amendment, has said that the requirement by the Supreme Court that persons taking the bar exam be graduates of accredited law schools is reasonable.

"It sets high standards for the legal profession and protects the people of Montana against 'diploma mill lawyers.' No longer can legislators or anyone else be admitted to the practice of law in Montana without an adequate educational background," Lensink stated.

Lensink also has said the opponents of the amendment think the Supreme Court is better equipped than the Legislature "by reason of training, temperament and experience" to make decisions for admission to the bar.

Jill Thompson

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