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Montana Kaimin, October 31, 1980

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Presidents meet in secret session

The Council of Presidents met secretly yesterday primarily to discuss alterations to the new funding formula. University of Montana President Richard Bowers said.

The meeting was closed to the public by Commissioner of Higher Education John Richardson who told a Kaimin reporter that the meeting was his own staff meeting serving a strictly advisory role, and therefore was not subject to the state's open meeting law.

The Montana Open Meetings Law states that all meetings of public or governmental bodies, boards, bureaus, commissions or agencies supported in whole or in part by public funds or expending public funds shall be open to the public except when discussion relates to collective bargaining or litigation or when the chairman of the meeting determines that an individual's right to privacy clearly exceeds the public's right to know.

It further states that any organization supported in whole or in part by public funds that meets to discuss or advise on any matter shall be open to the public. The president's salaries are paid by Montana taxpayers.

Richardson said that he has never opened a Council of Presidents meeting to the public, but no reporter has attempted to attend a meeting since Richardson was selected as commissioner in 1979.

The council meets primarily to discuss recommendations on university system policies to present to the Board of Regents. The board will meet today at 10 a.m. in the Montana Rooms.

Bowers said after the meeting that the council discussed with John LaFaver and Curt Nichols, both from the Legislative Fiscal Analyst's Office, adjustments recommended by the legislative Interim Finance Committee to the new funding formula.

Bowers said that the numerical adjustments presented by Nichols and LaFaver were not yet in document form but should be released to the public in the next several days.

The proposed new formula may replace the 19:1 student-faculty ratio currently used to fund the university system.

The new formula proposes to fund Montana universities and colleges according to the budget levels of comparable programs at similar schools in the West.

Bowers said the council also discussed, but did not act on:

- a recommendation to set a university system policy regarding sexual harassment on the job and in education.
- a recommendation to investigate funding levels for equipment aiding handicapped students at each of the universities and colleges.
- a recommendation to set a policy on the university system offering extension courses out-of-state. These short courses and workshops, offered through continuing education, are usually attended by teachers seeking additional credits for their bachelor's or master's degree.



Friday, Oct. 31, 1980 Missoula, Mont. Vol. 83, No. 19

MEMBERS OF BALLET West presented the first of four showings of "Giselle" last night in the University Theatre. The ballet will be performed tonight at 8 and tomorrow and Sunday at 2 p.m. (Photo by John Kiffe.)

Fiedler decries censorship in the arts

By JIM MARKS

Montana Kaimin Contributing Reporter

Censorship of violence, either in literature or the popular arts, is an infringement of personal rights, author and literary critic Leslie Fiedler said last night in the University Center Ballroom.

Fiedler said censorship deprives people of a way to "escape from the ordinary world which we are too much a part of."

He told the audience of about 350 people that "violence in literature and art gives us privileged insanity, a way of going out of our heads."

Fiedler was the third Edmund and Mary Freeman Memorial Lecture, honoring Edmund Freeman

who taught English at the University of Montana from 1919 until his retirement in 1962. Freeman died in 1976.

Fiedler taught English at UM from 1941 until 1965. In 1965, he joined the faculty of the State University of New York at Buffalo, where he is a Samuel Clemens Professor of English.

Fiedler said Aristotle believed that violence in literature and art could be helpful. Aristotle called violence a "purge," and that a violent play could leave the audience more in control of themselves, Fiedler said.

During the 1950s Fiedler said, conservative censors cut or revised many comics, fairy tales and

nursery rhymes because the violence in them might "affect the young." Superman was reduced to a "man who could fly but who couldn't make it with his girlfriend," he said.

Fiedler said that there is no compromising once censorship begins. "We can't give way on any front without giving way on all fronts," he said.

Today, Fiedler said, censorship is "just as bad if not worse" than it ever was.

Fiedler said society enjoys violence. This is shown by our "willingness" to pay to see violence in the theater and movies, he said, adding that violence "appeals" to our sense of "danger and forbidden pleasure."

Bitter political debate being waged over 'bottle bill'

By MIKE DENNISON

Montana Kaimin News Editor

Editor's note: This is one of five stories published this week dealing with issues on the ballot in Tuesday's general election. A story on Initiative 86 is on page 8.

Advocates of Initiative 87, the Montana Litter Control and Recycling Act, call it unique among "bottle bills" because instead of imposing mandatory deposits on beverage containers, it instructs the beverage industries to form their own recycling plan.

But there is nothing unique about the bitter political battle being waged between the two opposing sides.

Allied on the one side are the "affected industries" — beer and soft drink distributors, bottlers, breweries, glass and can manufacturers, recyclers, grocers and taverns. Among them, they have contributed about \$495,000 — 83 percent of which is from out-of-state companies — toward defeating Initiative 87.

The pro-initiative forces are headed by Montanans for Litter Control and Recycling and have raised about \$10,000 in campaign contributions.

Bottle bills have failed in 31 states and passed in only five, and in every instance components of the beverage industry have opposed such legislation. The five states with bottle bills are Iowa, Maine, Michigan, Oregon and Vermont, all of which charge a minimum five- or 10-cent deposit on beverage containers.

Unlike any other bottle bill in the country, Initiative 87 directs the beverage industry to draw up a "voluntary" plan to encourage

recycling.

The voluntary plan must be submitted to Montana's Department of Health and Environmental Sciences by March 1, 1981, and by the end of fiscal year 1982 (June 30), the return rate on all beverage containers must be at least 60 percent.

The return rate must reach 75 percent by the end of fiscal year 1983 and no less than 85 percent for every two fiscal years thereafter. If any of these deadlines are not properly met, a deposit system will be adopted on March 1 of the year following the missed deadline. All beverage containers — bottles, cans and plastic — would then require a minimum five-cent deposit.

But industry spokesmen scoff at the term "voluntary plan."

"This is not a voluntary program," said Layne Witherell, wine manager for Earl's Distributing in Missoula. He is also chairman of the speaker's bureau for the Missoula branch of the Committee Against Forced Deposits, which is spearheading the effort to defeat Initiative 87.

He said that the return rates spelled out in the initiative cannot be met without charging deposits on beverage containers.

The "honest-to-God economic realities" of the beverage industries were ignored in the drafting of the initiative, Witherell said. Additional trucks, fuel and employees to transport returnable containers back to the distributor would have to be paid for, he said. He added that this cost would be passed on to the consumer in higher beverage prices.

If Initiative 87 eventually results

in bottle and can deposits, distributors would charge retailers the deposit. Distributors would then pay back the deposit, plus a 20 percent handling fee, to recyclers or retailers returning empties of the same brand the distributor sells. The handling fee, however, is "negotiable," and is not set at a minimum 20 percent rate.

Government spokesmen in the five states with bottle-deposit laws all said that beverage prices did go up following the introduction of their state laws, adding that the prices later leveled off, and even dropped in some instances.

However, all five states also reported a definite public approval of their bottle bills.

In Oregon, an independent polling firm reported in 1977 that 90 percent of Oregonians approved of the deposit law; Vermont reported in 1977 a 93 percent acceptance rate; a 1979 local newspaper poll showed 56 percent of Iowans favoring bottle deposits, and a Michigan state government spokesman said "innumerable surveys" have shown the public favoring the law.

In Maine, a 1979 referendum sponsored by beer distributors to repeal the state's bottle-deposit law was defeated by the largest plurality in Maine history, 85 percent to 15 percent.

All states also report a current return rate on beverage containers of more than 90 percent and reductions of total litter from 30 to 40 percent.

Opposing sides in Montana disagree on what percentage of litter is bottles and cans. Witherell, said a "piece count" method is the

most accurate method of tabulation, where a bottle, tire or paper bag are each one equivalent piece of litter (for counting purposes).

Using this tabulation method, he said bottles and cans make up about 20 percent of total litter.

"This bill is not a total solution to the problem of litter," he said. "It's a piecemeal attempt at solving it."

Yet Loren Gunderson, co-chairman for Montanans for Litter Control and Recycling, said cleaning up bottles and cans would eliminate 50 percent of litter by volume, and 90 percent of "permanent and hazardous" litter. Permanent and hazardous litter, unlike newspaper or cardboard, does not deteriorate with time, he said.

Gunderson also said recycling would save money and energy. For example, using recycled aluminum for manufacturing costs about one-twentieth less than refining the ore from the "virgin product," and uses half the amount of water, he said.

Enough aluminum is thrown away annually in Montana (2,500 tons) to build 30 Boeing 747 jets, he said.

Gunderson also said the initiative would create more jobs in Montana. People would be hired to transport, clean and sort bottles, and business for recycling centers would increase, he said.

Many recyclers in Montana are against Initiative 87. Gunderson said this opposition is because the recyclers are afraid of new competition.

Nancy Grasseschi, a spokeswoman for Montana Recycling, Inc., said her company is not afraid of competition from other recyclers but that it objects

to competition from grocery stores, who "don't have facilities to deal with returnables."

She said that under a bottle and can deposit system, grocers would be forced to compete with recyclers for returnable beverage containers, because it would mean more customers and money coming into the store.

However, Initiative 87 states that any grocery store having a recycling or bottle-redemption center within a two-mile radius does not have to accept returnables. Instead, the store can direct the customer to the recycling center.

Despite this stipulation of the bill, Super Save President Ray Ormesher said grocers would still compete for returnable beverage containers.

"What if a person returning bottles doesn't have a car to drive to a recycling center?" he asked. "If we turn them away, we've just lost a customer."

Election '80

In addition to picking the next president in Tuesday's general election, voters must make decisions on a variety of state and local races. Beginning on page 9 of today's Montana Kaimin are stories about the candidates for state and local offices.

The Kaimin will not publish Tuesday or Wednesday.

Classes will not be in session Tuesday — so you've got plenty of time to make it to the polls.

Anderson: quality in the midst of mediocrity

The traditional two-party system has failed this year to give Americans an acceptable choice in the presidential race.

Both President Carter and his Republican challenger, Ronald Reagan, have been espousing typical campaign rhetoric and exchanging verbal jabs about personalities. Neither has done much more than offer the voters political promises about quick solutions that will, supposedly, make America "great" again.

The time has come for voters to reject the mediocrity the two-party system has consistently been passing off as presidential material in recent elections. When Americans must, according to two-party rules, choose between two unqualified candidates, they should — out of conscience — refuse to play the game.

Independent candidate John Anderson provides voters with a chance to do just that this year.

Anderson, pulling tenets of his platform from both major parties, is one of the few alternative candidates in recent history to have established a political platform that, with sound and credible stands, is not at either extreme of the political spectrum.

And unlike Carter and Reagan, Anderson explains his stands without cushioning them in easily palatable terms, without softening them according to the audience to which he is speaking.

Even before he broke away from the Republican Party — a gutsy act in itself — Anderson distinguished himself in the speeches and debates of the primary season with his strong stands.

• He told an audience in Iowa that he supported Carter's Soviet grain embargo, a measure protesting the Soviet invasion of Afghanistan.

• He reiterated his stand against federal aid to the Chrysler Corp. when speaking in Detroit last spring.

• He told a New York audience composed largely of unemployed blacks that he favored cutting Social Security taxes as a compensation for increasing the price of gas 50 cents per gallon.

While all of these stands were made before he became an independent candidate, Anderson has softened them only somewhat since then — an unusual tactic for a candidate who needs to broaden his base of support.

In addition to his other stands and principles, Anderson differs with Carter and Reagan on military spending and economic plans. The differences are sensible ones.

Both Carter and Reagan are pushing for a stronger military, but their efforts are misdirected. While Carter has in the past opposed new nuclear weapons, he has reinstated draft registration and

is now talking of increasing military spending and machinery.

And Reagan wants to forego the SALT II treaty in favor of increasing nuclear warheads and overall defense spending. At the same time, he is planning on making across-the-board income tax cuts, while balancing the budget in the meantime.

These approaches are futile in themselves, for they do not address the root of the problem with the military forces.

While the United States has enough nuclear warheads to basically wipe out the Soviet Union, it does not have the manpower necessary to maintain an adequate defense force. The reason? Low wages that do not attract many people to the volunteer forces.

Anderson supports increasing wages for people in the volunteer forces in order to induce more people to sign up. He does not favor increasing military weaponry, and wants

to increase defense spending only enough to cover the increase in maintenance costs.

And he makes no promises on income tax cuts, preferring instead to balance the budget before appealing voters with improbable pledges.

He has equally strong stands on women's issues: unlike his native Republican Party, he supports the Equal Rights Amendment and the three-year extension given for its ratification, and he favors providing federal funds for abortions.

Reagan has shown a basic inability to reconcile the inconsistencies in his platform or to acknowledge the obsolescence of his stands on defense, energy and women's rights.

And Carter has a record of vacillation on many issues — the economy, the Middle East, the military, government bureaucracy. The United States would follow no certain course under his continued leadership.

Neither candidate deserves to be elected.

Anderson represents an opportunity for voters to express their discontent with the choices of the major parties. Withholding a vote for him on the grounds it may elect Reagan, the least desirable candidate, only plays along with the two-party game. Votes should be based on beliefs, not the persuasions of political pollsters and strategists.

When neither major party can put forth a creditable candidate, neither deserves support.

A vote for Anderson is a vote for a man with sound stands and the courage to base his campaign on them.

A vote for Anderson is the logical one to cast in this election.

Sue O'Connell



letters

Morrison supported

Editor: We are concerned about the Montana Supreme Court — especially its future. So we are particularly concerned about the choice between Frank Morrison and "Pete" Dunbar. Pete has scarcely seen a courtroom since his graduation from law school over 25 years ago, while Morrison has energetically practiced law his entire career. Pete has been concerned only with criminal law and that almost entirely as an investigator. Morrison has practiced law affecting people in all of their relations with the law: criminal law, domestic relations,

natural resources and private property rights. Morrison has also committed time, money and energy to non-compensated representation of individuals and causes.

People who know the candidates appreciate the difference. (Over 70 percent of the members of the Montana State Bar, responding to a poll, concluded that Frank Morrison was better qualified. Also, the county attorneys responding to a private poll reported by a margin of 4-to-1 that Frank Morrison was better qualified.)

Through his practice, community service and teaching, Morrison has demonstrated his compassion for people and the quality of their lives.

Larry Elison
professor, criminal law
Albert Stone
professor, water law

Ego-tripping

Editor: At last I'm bringing it out in the open. My deep, dark secret. My enslavement to a terrible addiction. Some might say that this isn't the place, but I've got to get it off my chest, and I can't think of any better way than by having it read by 8,000 people.

Some people go tripping on acid. Some trip out on pills. Some even use airplane glue. Me — I go *Ego-Tripping*. Oh, I know that there are those who say that this is bad for me, and they're probably right. They say that it is habit-forming, addictive, that once you start, you can't stop. They say that it corrupts your mind, makes you a snob, that you will become unpopular, like people who don't drink Dr. Pepper.

Well I don't care! I'm tired of this

persecution! When I'm feeling low and gloomy, there's nothing like a couple of good, healthy snorts of self-praise to get me going again. So up with egotism!! After all, the meek may inherit the earth, but look at the condition it's going to be in by the time they get it.

Mark Allen Peterson
sophomore, honors

Thanks ORC

Editor: Recently the Outdoor Resource Center held its latest swap sale, which was a great success. Over 500 items of outdoor equipment changed hands between about 200 sellers and 400 buyers, an increase in volume of 100 percent over the previous swap. All this was made possible by the efforts of a crew of more than 30 volunteers. Those volunteers are the first reason for writing this letter. We would like to thank them publicly for their energy and enthusiasm — Ron Martino, Kathy Swift and Diane Bergstein in particular. We hope

to be able to count on your continued support in sales to come.

Our second purpose in writing is to particularly answer a question in many people's minds — that being — where does the ORC 10 percent fee go? Well 10 percent minus the cost of running the sale (publicity, office supplies, accounting, UC maintenance help) leaves our net profit which may be used to support other ORC film rentals, speakers, or in-house activities. May is the correct word choice, for neither are our year's activities yet fully planned, nor our financing of those activities easily accounted for. Suffice it to say that your purchases support ORC programming.

Lastly, it is our wish to also thank all visitors to the sale, buyers or not, just for coming by. If there are any outdoor-oriented services we can offer you, please stop in or call.

Sue Ivison
Ted Woodward
ORC staff

montana Kaimin

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cathy kradofer managing editor
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About Kaimin endorsements

This is the last of the Kaimin's political endorsements.

The decisions on who and what to endorse were made by Sue O'Connell, editor; Cathy Kradofer, managing editor; and Jim Bruggers and Mike Dennison, news editors. The decisions were unanimous.

Whether you agree or disagree, the important thing is that on Tuesday, Nov. 4, you put those feelings into practice — and vote.

Van Valkenburg, Hamp both pledge to increase funding for university

Editor's note: This is the last article in an eight-part series on Missoula-area legislative candidates.

By DAN O'BOYLE
Contributing Reporter

Fred VanValkenburg, Democratic incumbent, and John Hamp, Republican challenger, are rivals in Missoula's Senate District 50 race, but both pledge to work for increased funding for the University of Montana.

VanValkenburg, an attorney and Missoula County public defender, said that university funding will "definitely be a top-priority item" for him. The funding issue is "important to my constituents, largely for economic reasons, and it's important to the entire state to maintain a high-quality liberal arts institution," he said.

Faculty salaries at UM are 25 percent lower than at comparable institutions, VanValkenburg said. "A 4 percent raise is totally inadequate when we're faced with double-digit inflation," he added. Under the terms of the University Teachers' Union contract, which

time students enrolled.

Hamp, who came to Missoula from Denver in 1972, said that he favors a change in the six-unit university system. He said a main campus with two-year extension centers throughout the state, similar to the organization of the University of Colorado, would better use existing revenue.

VanValkenburg, 32, said it would "not be practical to reduce the six-unit system in the coming session." He said that if measures are taken to reduce the funding for Northern Montana College in Havre or Western Montana College in Dillon, the legislators from those areas may not look favorably on increased funding for UM.

VanValkenburg said his main goal in the upcoming 90-day session would be to get a Fine Arts building for UM. He said that such a structure could be used for dramatic, musical and cultural events.

Hamp, 53, said that his main goal is to work with the Montana Power Company to develop more alternative energy sources and to lessen Montana's dependence on natural gas and oil. He added that he has studied creative engineering techniques, with emphasis on wind and solar power, at the University of Colorado, Denver.

Both candidates favor legislation that would encourage the creation or relocation of manufacturing firms in Montana.

VanValkenburg said many programs that help industry, such as tax incentives, already exist. Other programs that would attract industry to Montana should be implemented by the state and the local governments, he added.

The principal in the coal severance tax trust fund, VanValkenburg said, should be invested in Montana economy "in a fashion that would favor Montana corporations and businesses which are committed to protecting the state's air and water."

Hamp, who has not previously sought a public office, said that the state should diversify its economic base. He said this diversity should emphasize industries that are as "pollutant-free as possible." He said the state should actively recruit the small manufacturing firms which are moving to Oregon from the earthquake-prone areas in California.

Both candidates favor a change in the state's Prudent Man Rule. This rule dictates that state investments be placed in very safe securities and bonds to earn the

maximum amount of return.

VanValkenburg said that since most of the state's money is invested on Wall Street in New York City, the money is unavailable for the state's economy.

Hamp said that if the rule was changed, the D.A. Davidson & Co. investment security firm could easily "use the money in the state to enhance development."

The candidates also agree that the Legislature should not appropriate money from the coal severance tax trust fund until the U.S. Supreme Court rules on the constitutionality of the tax.

50 percent of the coal severance tax goes into a constitutional trust fund and the other half of the tax is used in various areas, such as the general fund, school foundation program, libraries and county land planning.

In July, the Montana Supreme Court upheld the state's right to levy the 30 percent tax. 14 midwest utility and coal companies have challenged that decision, by appealing to the nation's highest court on the grounds that the tax infringes on interstate commerce.

Senate District 50 — which extends south from Mount Avenue to the Leisure Highlands and Farviews areas of the South Hills, and east from Helen Avenue to the Burlington Northern Railroad tracks — is an area where some voters reside in the city and some voters reside in the county.

Considering the possibility of a

Cont. on p. 8



JOHN HAMP

expires June 30, 1981, faculty members had \$250 added to their base pay and received a 4 percent "increment" raise, Howard Reinhardt, union president, said.

Hamp, a building contractor, said that he advocates raising "the salaries of teachers up to other levels in the Rocky Mountain region." He added that the Legislature should come up with a "more fair distribution of funds in the university system."

Under the current formula, UM and Montana State University receive funding for one full-time faculty position for each 19 full-

weekend

Dance
International Folk Dancing, 7:30 p.m. to midnight, Men's Gym, sponsored by UM International Folk Dance Co-op.
Performance
Ballet: "Giselle," 8 p.m., University Theatre, students \$5.50, general \$9.50 and \$8.

SATURDAY
Meetings
Montana Intramural and Recreational Sports Association Meeting, 9 a.m., UC Montana Rooms 360 D and E.
Performance
Ballet: "Giselle," 8 p.m., University Theatre, students \$5.50, general \$9.50 and \$8.
Film
"The Blue Angel," 9 p.m., Copper Commons.

SUNDAY
Meetings
Alletheia Campus Christian Fellowship Sunday Morning Fellowship, 9 a.m., Main Hall 205.

MONDAY
Lecture
"The Human Race Against Nature," Richard Sheridan, 8 p.m., UC Lounge, sponsored by the Student Action Center.
Miscellaneous
Slide show: Ontario Canoe Trip, 8 p.m., Students for Libertarians, table in UC Mall.
Student Action Center, table in UC Mall.

TUESDAY
Meetings
Spurs, 5:30 p.m., UC Montana Rooms 360 D and E.
Theosophical Society, 8 p.m., University Congregational Church, 401 University Ave.
Miscellaneous
Presidential Election: polling at UC Ballroom. VOTE!

WEDNESDAY
Meetings
Guidance and Counseling, noon, UC Montana Rooms 360 J.
Central Board, 7 p.m., UC Montana Rooms 360 F, G, H and I.
Overeaters Anonymous, 7 p.m., 2nd Floor, Main Hall.

Lecture
"Brown Bag Lecture: Holistic Healing," Mary Birch, noon, UC Montana Rooms 361 A, B and C.
"War, Peace and the Environment: Modern Weapons and Planet Earth," Paul Lauren, 7 p.m., SC 131.
Film
"Institute of the Rockies," 8 p.m., UC Lounge, sponsored by the Outdoor Resource Center.
Performance
Concert: Slovenian Philharmonic of Yugoslavia, 8 p.m., University Theatre, students and senior citizens \$5.50, general \$9.50, \$8.50 and \$6.50.
Miscellaneous
CPA Exams, 1:30 p.m., UC Ballroom.
Anderson-Zurmuehien and Co. Reception, 7 p.m., UC Montana Rooms 360 D and E.
Speed chess, noon, UC Mall.



FRED VANVALKENBURG



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HALLOWEEN SPECIAL! FRIDAY, OCTOBER 31



SATURDAY, NOVEMBER 1st
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and
 the Original
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 (1956)

One of the most acclaimed science fiction films ever made, *Invasion of the Body Snatchers* is a chilling reflection of 50's mentality as well as a more universal allegory.

8 p.m. UC Ballroom FREE

sports

Cats invade Griz country tomorrow

By **PAT SULLIVAN**
 Montana Kaimin Sports Editor

If there was ever one college football game in Missoula that a poor, destituted student should pilfer their savings account to buy a ticket for, that game is certainly tomorrow's 1:30 p.m. Grizzly-Bobcat gridiron clash.

Unfortunately, if one hasn't already purchased a ticket for the game, it is probably too late to get one now.

The University of Montana-Montana State football game is in its 80th year, establishing the contest as one of the oldest and fiercest rivalries in the nation.

The series began in 1897 with an 18-6 UM victory. Although the Grizzlies hold a 46-28-5 edge over the Bobcats in the series, MSU has won seven of the last eight games. Both squads carry 2-5 overall

records into the contest.

The Grizzly-Cat game will not decide the Big Sky Conference Championship, but the winning team will at least be the Montana champions for one year.

The annual clash is popular with sports fans; the 38-21 Bobcat win in Bozeman last year attracted more than 15,000 spectators, the largest crowd ever to view a sporting event in Montana.

UM Ticket Manager Gary Hughes has allotted 12,700 tickets to fill the 12,500 seats at Missoula's Dornblaser Field. Hughes said the oversell is normal because not every general admission ticket holder is expected to show.

MSU and UM have an annual ticket trade-off, with Hughes sending 1,000 student tickets and 600 reserved tickets to Bozeman for sale. All the tickets were sold in two days.

There are 6,400 tickets reserved

for UM students; 1,600 season passes and 3,100 general admission tickets sold in Missoula.

In addition, about 20 sideline passes were issued along with about 85 Press Box passes for the game.

Hughes said some additional law enforcement protection has been added to offset the larger-than-average crowd.

There will be nine reserve police officers on duty compared to the normal four and 14 city police officers at the field compared to the normal amount of ten.

The city police will conduct entrance gate checks for alcohol or glass containers, while the reserve police officers will patrol the field area and parking lot.

Hughes does not expect any trouble from the spectators, and said that the game is "more peaceable in Missoula than at Montana State."

UM women harriers hosting regional cross country meet

By **RENATA BIRKENBUEL**
 Montana Kaimin Contributing Reporter

University of Montana Women's Cross Country Coach Dick Koontz said his squad of seven runners is as "healthy as can be" for tomorrow's National Collegiate Women's Sports Association Region 9 tournament at the UM Golf Course.

A total of 24 teams will run against the Grizzlies in their Division 1 section of the meet, with the top 15 runners qualifying for the national meet Nov. 15 in Seattle. Division 2 and 3 teams will also be competing tomorrow.

Koontz said Washington State

and Oregon State are the teams to beat in Division 1. The day of running will begin with Division 3 teams at 11 a.m., Division 1 at noon and Division 2 at 1 p.m.

"I think we'll have at least one national qualifier," Koontz said.

The UM men's cross country team also will be running tomorrow. The male harriers take off against the Montana State Bobcats in a dual meet at the UM Golf course at 9 a.m.

Coach Larry Heidebrecht said the Bobcats do not have an exceptionally good cross country team, but the meet will "help prepare us for the championship in three weeks."

Sportswriter's jargon a necessary disease

By **PAT SULLIVAN**
 Montana Kaimin Sports Editor

After five years of writing sports stories, I have come to the conclusion that not everyone likes to read sports stories.

But, how can that be, I ask myself. Sporting games go as far back as the history of man, since the cavemen first chased sabretooth tigers around the bushes.

Why would any person disdain reading the sports section and all the thrills and agonies recorded there in?

Well, I have finally formulated an answer that solves most of my questions about the sports page.

It must be the sports jargon that turns people form the sports page to Dear Abby.

Sports jargon, often referred to as Adjective Diarrhea, is difficult to control once the disease is contracted. Adjectives and descriptive verbs can multiply faster than cowpies at a rodeo.

The most common way to contract the ailment is to spend too many months or years writing stories for a losing sports team.

A sure sign of sportswriter fatigue is when the first team win has been "just around the corner" for the last seven years.

One common jargon statement is how an athlete "really has a nose for the football." Did the subject in question grow up with a football under his pillow?

"He really came to play" is a favorite of many broadcasters. But, if an athlete did not come to play, does that mean he might sell popcorn instead?

Adjectives like fantastic, great, important, amazing, uncanny and explosive have become entrenched in the memory lobes of many journalist's brains.

These words even begin to emerge in simple conversations, such as, "fantastic the way you burned this toast," or "great color of toilet paper."

The advent of Monday Night Football in 1970 spread Adjective

Diarrhea into millions of otherwise sanitary American households.

The annual autumn appearance of Faultless Frank, Dandy Don and Humble Howard to television screens has thrust M.N.F. to the forefront of that descriptive cancer called sports jargon.

One can count up to 19 "greats," 12 "important," nine "do you believe that play" and five "ebb and flows" in any telecast.

What would a sports journalist do without adjectives? He would be lost in a mystic haze of adverbs, pronouns and infinitives, searching for some dramatic phrase to describe the "great, fantastic or amazing" scene taking place.

Sports readers must face the facts. Sports writing without adjectives is like pretzels without beer, a shower without a towel or "Dallas" without J.R. It just would not be the same.

J. V. basketball begins Monday

Practice for the University of Montana Men's Junior Varsity basketball team will begin Monday Nov. 3 at 2 p.m. in the Men's Gym. Coach Bob Niehl invites any person interested in trying out for the 1980-81 squad to attend.

Libertarian Clark desires viability

By GREG GADBERRY
Montana Kaimin Reporter

Ed Clark, like all the men running for president this year, wants his campaign to have viability.

Viability is the fabled catchword of the 1980 presidential campaign. Viability is what Jimmy Carter claims his administration has, and what John Anderson says he wants. Viability is what Ronald Reagan says Jimmy Carter doesn't have and what Citizen's Party Candidate Barry Commoner says none of the major candidates has.

But Clark — in an interview this week with the Montana Kaimin — said that viability will do him little good this year. He admits that his bid for the White House will most certainly fail. He said, however, that he is working for the future: a

attempt to legislate morality — such as those governing sex and drugs — would be phased out.

So for Clark, the job of the campaign has not only been to sell himself, but also his party.

That hasn't been easy. "It's a lot of work, running as a third party candidate," he said.

But Clark continues to stress that his work as a candidate can provide a firmer foundation for future Libertarians.

"We have tried to tap that group of citizens who, year after year, decide not to vote," he said.

And the 1980 presidential race is fertile ground for voter discontent, he said.

"People this year see lots of things to vote against," he said.

"People see Ronald Reagan saying, on one hand, that he wants to make massive cuts in taxes, while on the other hand, he wants to drastically increase military spending. That's ludicrous," he said.

"And Carter," he continued, "is always shifting gears. Now he is talking about sending American troops to the Persian Gulf to fight for 'our' oil. It's not our oil!"

And other alternative candidates, he claims, don't really provide alternative programs.

"John Anderson is just another disgruntled member of a major party who is running on his own. There have been lots of disgruntled Republicans and Democrats running in the past. They don't really offer new ideas and they don't win."

"As for Barry Commoner and the Citizens Party," he continued, "I just don't know what they offer. Whether they want a program of

social responsibility or just dressed-up centralized socialism. But regardless, the Citizens Party isn't growing. Right now, it's really the Commoner Party with a campaign being run on his personality."

And regardless of the growth of other alternative political groups, Clark says the future belongs to Libertarians.

"We are looking ahead to 1982," he said, "where we hope to run Libertarians for all the open seats in the U.S. Senate and House of Representatives."

And by the end of this decade and the beginning of the next, Clark says the Libertarian Party will be as big — and as powerful as both the Republicans and Democrats.

If that happens, perhaps a future Libertarian presidential candidate will get to do something Ed Clark was denied — to debate with the major candidates.

"We requested a spot on the League of Women Voters' presidential debate," Clark said. "We were turned down. But maybe next time."

I drink when I have occasion, and sometimes when I have no occasion.

—Cervantes

Those who drink beer will think beer.

—Washington Irving

When every one is in the wrong, every one is in the right.

—La Chaussee

The progress of rivers to the ocean is not so rapid as that of man to error.

—Voltaire

News

Analysis

future where his party will prevail. "We're campaigning to help strengthen the party," Clark said. "This year, we may end up with about 5 percent of the vote."

Clark, a 50-year-old corporate lawyer on leave from his job with the Atlantic Richfield Co., is a relative newcomer to national politics.

Before being nominated to run as the Libertarian presidential candidate last September, he had served as the party's candidate in the California gubernatorial race of 1978. Party records say that he received 377,960 votes.

Like Clark, the Libertarian Party is itself a newcomer in the political arena.

Formed in Colorado in 1972, the party has expanded to the point where this year, Clark's name is on the presidential ballot in all 50 states.

The party platform offers new colors for the American political spectrum.

In economics, Libertarians advocate laissez-faire capitalism, a policy characterized by few government restraints.

The party advocates drastically cutting the power of government to influence and create policy and suggests cutting taxes along with government programs.

And above all, Libertarians stress that personal freedoms should neither be interfered with by the government nor legislated against by the populace.

Laws the Libertarians say

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MATINEES 1:35-3:30-5:30
EVENINGS 7:15-9:15

And lo, there was another movie.
OH, GOD! BOOK II
PG



MANN THEATRES
MANN TRIPLEX
3601 BROOKS
549-9755

MATINEES 12:15-2:30-4:45
EVENINGS 7:00-9:15

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'Heartland' pays tribute to Montana's magnificence

By ALAN ROSENBERG
Montana Kaimin Reporter

The makers of "Heartland" have tapped the talents and mined the magnificence of Montana. What they have taken and what they have used has been returned — with the kind of interest no mining company could ever afford.

Beth Ferris, a Missoulian, wrote

review

the screenplay. It is obvious she is as adept with a razor as she is with her pen. The film is lean. Yet it makes no promises it doesn't keep.

The story of a pioneer woman, her daughter and the man with whom she shares a bed, is told simply and elegantly. The characters are revealed; they are not developed. We discover their beauty in the same way we discover the beauty in our friends — through patience.

The cast is as well-chosen as the location where the movie was filmed — at the base of the Snowy Mountains outside Harlowton and Judith Gap.

Rip Torn as Clyde Steward is a

close-mouthed Scot, a man as economical with his actions as he is with his words.

Conchata Ferrell plays Elinor Randall, a woman whose dominance of the screen makes mockery of any attempt to label women the weaker sex.

As the film opens, Randall is arriving in Burntfork, Wyo. from Denver with her 7-year-old daughter Jerrine. She is to be Stewart's housekeeper.

Jerrine is played by another Missoulian, Megan Folsom, who studied at the Missoula Children's Theatre. Folsom, who as a child is expected to be seen and not heard, has the most difficult part. Her success is remarkable. When on screen, she listens, she reacts. She isn't acting; she is alive.

In this land in which summer is a hairline crack in winter's impenetrable shell, the people must be survivors. For them vanity is a luxury they cannot often afford. Pretense cannot be afforded. Neither can pride.

The day swells with the mundane — the business of living and the passing on of life. Roping, branding, butchering, sewing, mending, splitting wood, birthing. From these activities "Heartland" draws its breath.

Elinore, whose form mimics the sturdy, snow-dappled peaks, decides soon after her arrival that she desired land of her own — a homestead adjacent to her employer's.

To begin her life there on the salary she receives would be impossible, Stewart tells her. But he is a practical man. A neighborly bargain is struck. A partnership — only incidentally a marriage — is agreed upon.

Despite the pain the characters

suffer and the cruel acts of nature they endure, the screen is as bare of sentimentality as the sheer cliffs are barren of vegetation.

The director Richard Pearce, never reaches for a moment; he looks no further than his actors and the script for inspiration. His camera waits patiently for the action. His camera is rewarded.

No more need be done to the scene in which Elinore gives birth. The cries of pain from her contractions play in counterpoint to the

persistant howl of the wind.

The music, too, is a subtle yet integral part of the film, as vital as the acting, reflecting the heritage of the hearty Scot.

The action is supposed to take place in Wyoming. The movie was filmed in Montana. Yet in watching "Heartland," state boundaries dissolve. "Heartland" is a state of mind.

"Heartland" will be playing at the Wilma Theater through Tuesday.

Chess competition comes to UM

By EDWIN BENDER
Montana Kaimin Contributing Reporter

A speed chess mini-tournament will be held Sunday at 9 a.m.

In playing speed chess, each player is allowed five minutes per game. The game is played until either one player wins or time runs out.

The competitive divisions of this tournament will be played by the five-round Swiss System, William McBroom, chairman of the sociology department and chess enthusiast, said. Competitors are ranked by the point-standings they have established in other tournaments, he said. Then, players in the top half are matched with players in the lower half. This is

done every round and competitive players usually find a good match by the fourth or fifth round, McBroom said.

"Tournament chess is physically demanding," McBroom said.

Each player is timed and has 100 minutes to make the first 40 moves. After the first 40 moves or 100 minutes, whichever comes first, the players then have 60 minutes each to make 25 moves. The game continues at this rate until it is over.

Entry fees for the tournament will be:

- \$1 for the speed chess mini-tournament.
- \$3 for four rounds of non-rated play at the beginners level.
- \$6 for members of the United States Chess Federation (USCF).
- \$8 for people who would like to play, but not join, the USCF.
- \$15 for people who would like to join the USCF and play in the open level. This fee is a \$5 discount from the regular USCF membership fee and includes a subscription to Chess Life and Review.

A portion of the entry fee will be used to bring Maria Ivanka, eight-time Hungarian Women's Chess Champion, to Missoula in May 1981, Mattina said.

Ivanka will be asked to put on an exhibition in which she will play several games of chess with competitive players simultaneously, McBroom said.

McBroom said Ivanka would "demolish" her challengers.

For more information on the club or advanced tournament registration, call Mattina at 721-4634 or 243-5851.

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classifieds

help wanted

CUT BANK is now accepting applications for two co-editor positions. Applicants must have editing experience, extensive knowledge of literary magazine format, and some familiarity with small press operations. Resumes will be accepted in the ASUM office, U.C. 104. Deadline: 5 p.m., Oct. 31. 15-5

OVERSEAS JOBS—SUMMER/year young, Europe, S. Amer., Australia, Asia. All fields \$500-\$1200 monthly expenses paid. Sightseeing. Free info. Write: IJC, Box 52-MT2, Corona Del Mar, CA 92625. 4-13

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TYPING, call after 4:30 p.m. 728-7799. 12-26

IBM, Manuscript: 549-0957. After 4 p.m. 11-8

THESIS TYPING SERVICE—549-7958. 1-37

EXPERIENCED TYPING AND EDITING. 251-2780. 9-29

transportation

RIDE NEEDED to Bozeman Friday afternoon. Will share expenses and driving. Call Ann, 721-2623.

NEED RIDER to share expenses to Omaha, November 2. Call 728-4319. 16-4

for sale

CARPET SAMPLES 35¢, 85¢, \$1.00. Small carpet remnants. Gerhard Floors, Missoula's oldest floor covering shop. 1358½ West Broadway, 542-2243. 19-1

ENCYCLOPEDIA BRITANNICA, new, reasonable price. Ph. 728-8285. 18-3

DOLPHIN SPORTSWEAR clearance of all summer stock. Running shorts, tops, and swimwear. Comfortable, easy care, and durable. Good selection in most sizes. Call 258-6088 for appointment. Keep trying. Bargain Prices! 19-6

PIONEER PL-10 turntable w/Shure cartridge. Perfect condition. \$85.00. Call Paul for more info. 251-2171. 18-4

DORM-STYLE REFRIGERATOR with locking front door. 251-4602. 17-4

GORTX COOP. taffeta in Navy or tan \$7.15/yd. Taslan in forest green \$8.36/yd. Sign up at ORC. 16-3

GIUITAR SALE: Alvarez-Yairi Takamine acoustic-electric. 30-40% off on present stock. Bitterroot String Shop, 700 S. 3rd, 728-1957. 15-9

CHARTER FLIGHT ticket—do you need a return ticket. New York to Missoula? Must sell—call 542-2028 after 5:00. 14-6

ATTENTION ARTISTS: Silk Screen Supplies for sale cheap, evenings 258-6701. 16-4

ANTIQUA CLOTHING at DOVE TALE, 612 Woody. Women's children's and men's fashions from 1828-1950. Open 10-5 Mon.-Sat. 5-15

wanted to buy

NEEDED ASAP: Two tickets for Cat-Griz game. 243-5219. 18-2

SCREWED UP: Need 6 tickets to Cat/Griz game. Name your price! Call 728-8070. 15-5

for rent

ROOM IN furnished house. \$100/mo. Call 721-4447 weekdays. 17-4

BASEMENT APARTMENT: Across street from campus. \$120.00 utilities included. 549-0553. 16-4

roommates needed

FEMALE ROOMMATE wanted. \$100/month includes utilities, washer/dryer. 549-3478. 17-5

ROOMMATE NEEDED. 3 bdrm., 2 story house, near U. Wood heat. \$125. Must be vegetarian. 549-0200. 17-3

ROOMMATE NEEDED for beautiful large 2-bdrm. ground floor of house. Convenient to campus and downtown. Please call Kathy, 6-7:30 p.m., 728-6491. 16-4

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education

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Scores drop

College Press Service

WASHINGTON—For the 17th straight year, average Scholastic Aptitude Test (SAT) scores have dropped, according to a new report from the College Entrance Examination Board, which helps administer the tests.

High school seniors who took the standardized tests during the 1979-80 academic year—this fall's college freshmen—had average verbal scores of 424 and average math scores of 466, compared with averages of 478 and 502 in 1963, when the downward slide began.

Average scores for last year's college freshman class were 427 on the verbal exam, and 467 on the math. The students who are this year's juniors averaged 429 and 468, while this year's seniors had a verbal average of 429 and a math average of 470.

announcement

WOMEN'S PLACE Halloween Ball. Chinese Dinner. Dance White Noise Blues Band. Skid Row and Basin Women's String Band. Tickets \$7.50. Call 453-7606. 16-3

needed

NEEDED! SIX TICKETS TO CAT-GRIZ GAME. CALL 273-0492. 18-2

real estate

FLATHEAD LAKE home on lake frontage. Prime investment. Call Lane Coulston ERA Staninger Assoc. 721-1874. 19-5

MONEY DOWN THE DRAIN? Look into owning property, ask about co-investors. Duplex and other units in Univ. area. Lane Coulston ERA Staninger Assoc. 721-1874. 19-5

BEAUTIFUL TIMBERED, secluded land. Great Price. Great terms. Owner 728-1248. 18-2

lost and found

STOLEN: ORANGE Le Tour III Schwinn 27" men's 10-speed. Friday night from South Elrod bike rack. REWARD! 243-4315 anytime. THIS IS A FELONY!! 19-1

FOUND: POCKET-KNIFE outside of gym Tuesday night, 10/28. Call Brian at 243-2467 and identify. 19-1

FOUND: 5-SUBJECT notebook behind U.C. parking Tuesday. Notes on religious studies, chemistry & art. Pick up at U.C. Lounge. 19-1

FOUND: A blue embroidered coin purse in front of Brantly Hall. Pick up at UC INFO Desk. 17-4

FOUND: In Forestry Building. Blue notebooks, accounting book, tan shirtcoat, bicycle helmet, orange and black scarf, glass and calculator case. Claim in Forestry 110. 17-4

\$150 REWARD. My seven-year-old touring bicycle was stolen from my home Friday night. I'll fork out \$150.00 for any information leading to its return. Its distinguishable characteristics are: light blue 25" frame, black fenders, faded yellow Cannondale bag, and beat-up black rack. Call 721-1138, ask for Jim. No questions asked. 16-4

LOST: RED Swiss army pocketknife in Science Complex. Call Kathy, 243-5209. REWARD OFFERED. 16-4

PLEASE RETURN my blue suede mittens, that you picked up either in the Library or Commons, to the UC Info Desk. Lost Sunday. They are of sentimental value. 16-4

FOUND: I.D. Coileen Ann Richardson. Pick up at LA 101. 16-4

LOST: GOLD-TONE women's digital watch, lost in LA 202 between 6 p.m. Mon. (10/20) & 10 a.m. Tues. (10/21). Please call 728-6878 with information. 16-4

personals

HOLD ON. Baba Louie. I'll do the thinnin' around here and don't you forget it. 19-1

HELP MR. Wizard. I don't want to be the BM anymore. 19-1

HEY PAUL, Ritt. Dave, John, Chris, Chuck, Lee, Gary, get your costume ready and let's play caps. 19-1

ALL FORMER 3rd floor Knowles people, 1976-79, there's a party tonight. Call Jim. 19-1

A.B. GOT a great costume for you. Go get drunk this afternoon, smoke some pot, roll in some dirt and get incoherent and unintelligible and you can be a Tuesday Kaimin. 19-1

BARB AND Jim. You coming? 19-1

AMY. INTRODUCE me—the true snob—to some of your friends you are bringing to the Halloween Party. 19-1

REPORTERS: YOU should drink yourselves into the ground tonight. Drowned your sorrows. 19-1

IT WAS LATE in the evening and I stepped outside to smoke myself a J. 19-1

NEVER BEFORE have so many been paid so much for doing so little. Vote Nov. 4 and try for a change. 19-1

IT WAS LATE in the evening and I blew my brain cells away. 19-1

"HAPPY ANNIVERSARY" — Randi and Charlie 19-1

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Form 1380

Tax indexing plan draws last-minute attacks

By GEORGE HARDEEN
Montana Kaimin Senior Editor

Until this week, tax-indexing Initiative 86 was maintaining a fairly low — if not dull — profile.

The initiative proposes to adjust, or index, personal state income tax brackets, exemptions and deductions so that as wage-earning taxpayers receive cost-of-living salary increases because of inflation, they are not robbed of the extra income by being pushed into a higher tax bracket.

Under Montana's existing personal income tax system, any increase in income would result in a proportionally larger increase in taxes.

Until recently, both Republicans and Democrats alike favored the tax indexing concept, which has been put into practice in seven states. Both Houses of the 1979 Legislature passed a tax indexing bill by wide margins — as well as another tax relief package, HB 925 — only to have the measure vetoed by Gov. Thomas Judge.

But recently, Democrats have attacked the Republican-backed initiative, saying it will drastically reduce state revenues, and injure programs across the state. University funding is one area that is threatened, Democrats say.

On Wednesday, Attorney General Mike Greely, a Democrat, issued an opinion that said Initiative 86 would establish a \$1,250 tax exemption per person rather than the present \$800 exemption, resulting in a \$94 million negative impact on state revenues.

The opinion came in response to a question by State Revenue Director Mary Craig about the wording of the initiative which made reference to both figures. Craig said the higher figure would

make a "big difference" in estimating tax revenue.

But proponents of the initiative say the plan would not have the impact on revenue that has been alleged. They say the initiative will save the average family of four \$300-per-year by cutting out the "windfall profit" the state receives because of inflation.

One of the principal proponents of the initiative, Larry Williams of Kalispell, said Initiative 86 would protect taxpayers from the "ravages of inflation." He said the "inflation tax" is an "unauthorized tax no one voted for."

Williams said the measure "will not turn inflation around but will help taxpayers keep their money." He said the greatest tax relief will be to people in the lower tax brackets.

Sen. Robert Watt of Missoula, a Democrat, disagreed.

"This initiative would be much easier on wealthy people whose savings would not be taxed," he said. "Poor people have to spend their income to live."

Watt said he would not object to the tax indexing idea "if we had a good bill." He said Initiative 86 is too drastic a measure because it would greatly reduce state revenue. He said it would have a "dampening effect" on university funding.

One area of contention among proponents and opponents of the initiative is that, unlike other tax indexing plans, it uses the full figure of the national Consumer Price Index (CPI) rather than a percentage (up to 85 percent), as in other states, to calculate inflation.

The CPI is based on the average cost of what "average" urban white and blue collar families spend for food, clothing, shelter, recreation

and transportation.

But whether the cost of goods to individuals is comparable to the cost of services to government is questionable, John Wicks, University of Montana professor of economics, said in an interview.

"I'm not sure if the Consumer Price Index is the appropriate inflation factor for a government," Wicks said. "But it's convenient."

"The rate of inflation in the CPI may not be the same for prices of government services," he said.

Wicks said the goods that individuals buy have benefited from technological innovations which have acted to keep their prices low and competitive. He said the services provided to government and by government generally do not benefit from technology in the same way, and their costs continue to rise.

"I would guess the cost of things government buys go up faster," he said. "Whether it (the initiative) is good or bad is a value judgement."

Wicks said, from an economic point of view, the alternatives to tax indexing are simple: lower existing tax rates or increase the number of personal exemptions. Another alternative, but the most difficult, he said, is to reduce the size of government.

"The size of government is relative to the economy," he said. "This could be one reason for the initiative (to reduce government), but probably not the only reason."

Williams said "the initiative doesn't control government growth at all."

But he said he has heard arguments against Initiative 86 from Montana "Cassandras" similar to those heard when California passed Proposition 13.

"Just last week one of the arguments I heard was that 86

would 'wheel the old people out of the hospitals and into the streets,'" Williams said.

Williams said "the nice thing about using the Consumer Price Index is that there are workable economic models."

"The national price index is not as volatile as a regional price index," he said.

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FREE ADMISSION

District 50 . . .

Cont. from p. 3

change in the laws by which a city can annex an adjacent area, the candidates stated their positions on this issue.

VanValkenburg, who resides at 219 University Ave., said he is "generally in favor of giving cities the power to annex in a reasonable fashion." He said the areas to be annexed should be those where the residents are "using overall city services and are logically within the city limits."

However, VanValkenburg said that "service districts" should be created to tax people who dwell near cities, and who use city property such as parks and streets. These residents should not be expected to pay for city fire and police protection, he added.

Hamp, who resides at 3112 Park St., said the decision on whether an area is to be annexed should be made by the residents of the area. Hamp also advocates a "user's fee or head tax" to help pay for city services.

The candidates differ on the marijuana and right-to-work issues. VanValkenburg is "generally in favor of relaxation of

existing laws affecting marijuana use in Montana."

Hamp said, "it's darn hard to say what is best, and how to control it; we have so many bad habits now, why should we take on another one?"

VanValkenburg is against right-to-work legislation because it has been the "experience of other states (with such laws) that wages go down, and there is no increase in jobs," he said. Hamp said that he would have to think about that issue "an awful long time because unions have done a lot of good, but I wonder if unions have priced themselves out of the world market."

A right-to-work law can be enacted by a state to make a closed shop illegal. A closed shop is one in which union membership is a condition for employment. Section 14b of the Taft-Hartley Act of 1947, the Labor-Management Relations Act, authorizes states to enact right-to-work laws.

VanValkenburg, who has been endorsed by The Missoulian, estimates that he will spend between \$3,500 and \$4,000 in his campaign. Hamp, who has been endorsed by the Missoula Area Citizens Political Action Committee (MACPAC), estimates that he will spend about \$3,500 in his campaign. MACPAC advocates pro-business viewpoints.

A knock-down argument; 'tis but a word and a blow.

—John Dryden

Correction

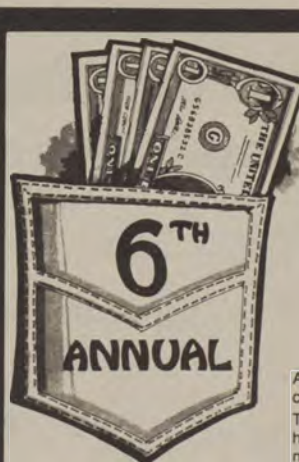
The Montana Kaimin incorrectly reported on Wednesday that the Lodge Food Service estimates a \$23 million income this year. The Lodge Food Service is not that wealthy. The story should have said a \$2.3 million income is expected. The Kaimin regrets the error.

A conservative government is an organized hypocrisy.

—Benjamin Disraeli

Experience is the best of schoolmasters, only the school-fee is heavy.

—Thomas Carlyle



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ELECTIONS

'80!

SD WILLIAMSON

Where to cast your vote

Precinct	Senate District	House District	Polling Place	Precinct	Senate District	House District	Polling Place
1	48	95	Prescott School	31	12	24	Evano School
2	48	96	Central School	32	12	24	Stark Clubhouse
3	48	96	Courthouse	33	48	96	Roosevelt School
4	48	95	Whittier School	34	50	99	Washington School
5	48	95	Lowell School	35	12	24	Evano School
6	12	24	Target Range School	36	47	94	Elliott Village Clubhouse
7	48	95	Lowell School	37	50	100	Cold Springs School
8	47	94	Hellgate High School	38	12	24	Lolo Community Center
9	48	96	Roosevelt School	39	47	94	Paxson School
10	48	96	School District No. 1 Administration	40	50	99	Paxson School
11	49	97	Willard School	41	50	99	Sentinel High School
12	49	97	Franklin School	42	50	99	Lewis & Clark School
13	49	97	Franklin School	43	49	98	Dickinson School
14	47	94	Hellgate High School	44	50	100	Russell School
15	48	95	Lowell School	45	49	98	Target Range School
16	49	98	C.S. Porter School	46	50	99	Washington School
17	49	98	Hawthorne School	47	49	97	Porter School
18	50	99	Lew & Clark School	48	12	24	Woodman School
19	47	93	Rattlesnake School	49	50	100	Meadow Hill School
20	47	93	East Missoula Community Center	50	49	97	Jefferson School
21	47	93	Bonner School	51	50	100	Russell School
23	47	93	Clinton School	52	47	94	University of Montana Center
24	48	96	Willard School	53	49	98	Dickinson School
25	14	27	Potomac School	54	48	95	Prescott School
26	14	27	Geenough School	55	47	93	Rattlesnake School
27	14	27	Seeley Lake School	56	47	93	Hellgate Elementary
28	14	27	Swan Valley School	56	47	93	DeSmet School
29	48	95	Hellgate Elementary School	57	50	100	Cold Springs School
30	50	100	Jefferson School	58	50	100	Lewis & Clark School
31	12	24	Frenchtown High School	59	50	100	Meadow Hill School
				60	12	24	Lolo Community Center
				61	50	99	Lewis & Clark School

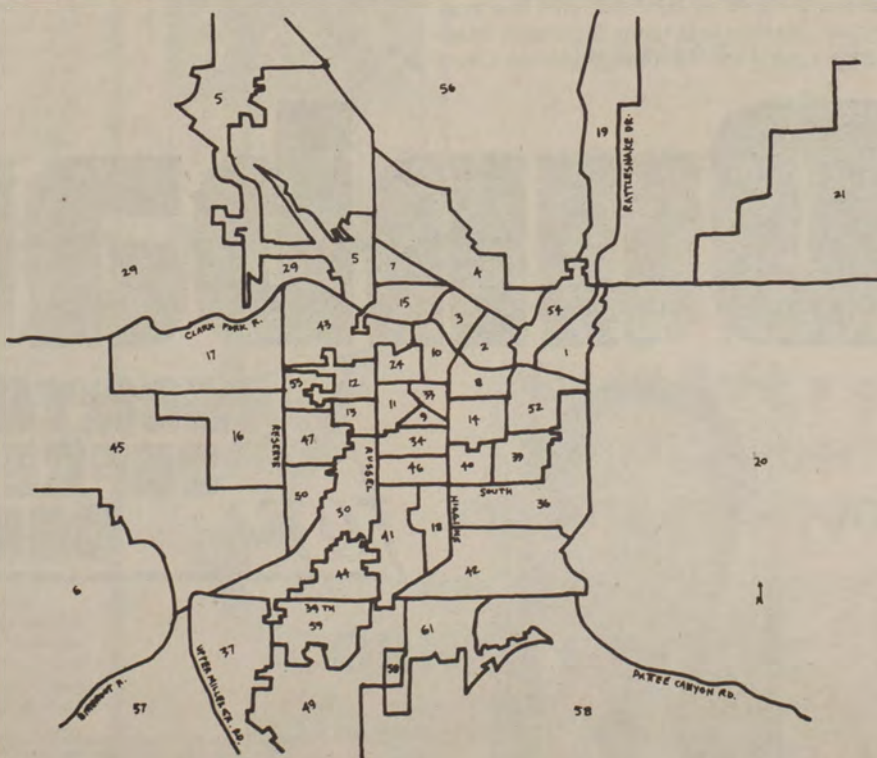
Inside

The stories in this and the following section were written by students in a senior-level public affairs reporting class and by Montana Kaimin staff reporters.

Inside this section are stories on races for:

- Governor, pages 10 and 11.
- Western District congressmen, page 12.
- Public Service Commission, page 13.
- Missoula County commissioner, pages 14 and 15.

**Polls
open
8 a.m.
to
8 p.m.**



Women & Wilderness—LaBastille
 New Environmental Handbook—DeBell
 Tokyo Montana Express—Brautigan
 Loon Lake—Doctorow
 The Covenant—Michener
 Last Stand at Rosebud Creek—Parfitt
 Incident at Eagle Ranch—Schueler

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Governor's race Ted Schwinden

By STEPHANIE HANSON
 Montana Kaimin Reporter

Ted Schwinden is hoping the outcome of Tuesday's election will make him the proverbial small-town boy who makes it big in politics.

The son of a Montana rancher, and a rancher himself, Schwinden's pursuit of the governor's office is the culmination of a steady rise in the state's political structure dating back to 1958. And the 55-year-old Democrat, who attended the University of Montana in the 1940s, says he recognizes the economic problems facing

by the lieutenant governor's office this year, 60 percent of Montanans surveyed advocated increased tax support for the university system, Schwinden said. He said that other funding sources can be tapped to fund the university system, so he does not favor a tax increase to increase funding.

"There are ample dollars available now" for university funding, he said.

The university system could draw funds from the state's budget surplus — estimated at \$40 million — at the close of the fiscal year in June, he said.

Another source for increased university funding could be revenues generated by the state's coal severance tax, Schwinden said.

Half the interest from Montana's 30 percent tax on coal is placed in the coal tax trust fund. The other half is put into various accounts, to be spent for improving schools and researching alternative energy, for example.

Schwinden said that a recent increase in coal development in the state should increase revenue from the tax fund and make more money available to be spent in areas such as education.

Prior to his position as lieutenant governor, Schwinden served as Commissioner of State Lands from 1969 to 1976.

Schwinden chose George Turman as his running mate. Turman, formerly a Missoula lawyer, has served on the Public Service Commission since 1974.

"The coal severance tax reflects the attitude of Montana's people," Schwinden said. "It represents what Montanans say are the rules (coal companies) are going to play on our fields," he said.

Schwinden said he has always

supported the tax. The state's biggest challenge, he said, will come in defending the tax from congressional attempts to limit it.

The conflict between environmentalists and industrialists expresses a "symbolic issue," he said. The demands for a high quality environment must be reconciled with demands for the state's economic prosperity, he said.

Environmental standards cannot be sacrificed for industry, he said, or "it becomes a race to see who can destroy themselves first."

But industrialists are "entitled to a voice" in decisions involving environmental standards, Schwinden said.

For example, the state's standards on fluoride emissions "may not be the right standards," he said.

"I have no objection to reviewing the standards," he said. Decisions made on toxic air emissions are ultimately subjective and therefore open to reconsideration if necessary, he said. Finding acceptable, healthy levels of tolerance remains the final objective in determining the standards, he said.

Schwinden admits that the scope of the state's environmental regulations has grown substantially in the past decade. However, he said he feels that additions to the regulatory bureaucracy are "valid" to sustain Montana's environmental quality.

A consideration for the governor's office, he said, is to recognize the administrative branch to reduce the number of employees.

However, Schwinden said that the addition of a state Department of Energy or Transportation "has some merit." Energy and transportation problems are some of the most difficult issues facing the state, he said.

While he said he does not advocate such departments, he does not reject their possibility either.

The state has 30 to 60 years to create a mix of dependence on new energy sources, Schwinden said.

Montana is "deeply into solar," he said, and more "innovative" tax incentive programs should be created to encourage the development of alternative energy.

Schwinden, along with other Montanans, will cast his vote Tuesday on the four initiatives. He:

- opposes Initiative 84, which would prohibit the disposal of radioactive wastes in the state. As the initiative is proposed now, he said, it would make it "literally impossible for companies to profitably mine uranium in the state."

- supports Initiative 85. That initiative would require businesses and groups that spend more than \$1,000 per year on lobbying efforts to disclose sources and expenditures.

- opposes Initiative 86, which would restructure the state's personal income tax system to prevent tax increases caused by inflation by indexing tax brackets. Schwinden said that while he supports the concept of tax indexing, he opposes the initiative because it would "relieve the Legislature of the ability to raise taxes."

He said he does intend to propose his own plan for "cautious" tax indexing if elected.



TED SCHWINDEN

higher education in the state today.

"I have made a strong commitment to see the university system funded at a level that allows it to operate satisfactorily," he said in a recent interview.

Funding for Montana's universities and colleges must be increased, he said, to combat the low morale that prevails — especially among faculty and students.

In two separate polls conducted

His Opponent (Frank Morrison) —
 Senior member of a Missoula law firm.
 Past president of the Montana Trial
 Lawyers Association. Experience in law,
 business, farming, teaching (18 years in
 private practice of law).

Pete Dunbar —

Recognized authority on criminal, constitutional law (28 years experience in public law). Special prosecutor for Gallatin County. Chief legal instructor for Montana Law Enforcement Academy. Chief legal adviser for FBI on criminal, civil law procedure. Named instructor for state's magistrate courts by Montana Supreme Court.

Dunbar



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By STEPHANIE HANSON
Montana Kaimin Reporter

A black and white photograph of a man with dark hair and thick-rimmed glasses. He is wearing a dark suit jacket, a white shirt, and a dark tie. He is looking slightly to the right and appears to be speaking into a microphone, which is partially visible in the lower right corner. The background is out of focus.



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Congress

Jack McDonald/Pat Williams

By ALAN ROSENBERG
Montana Kaimin Reporter

Interest rates must be lowered if the wood products industry is to recover from its economic malaise, both candidates for the Western District congressional seat agree.

However, the Democratic incumbent Pat Williams, and his Republican challenger, Jack McDonald, don't agree on the ways to lower the rates.

Williams, a Helena native seeking to return to the seat he won in 1978, said that Congress should hold down the level of federal spending. This, he said, would help lower the rate of inflation and would encourage the Federal Reserve Board to lower interest rates.

McDonald, however, advocates more direct action. He said he would sponsor legislation to "get rid of the Federal Reserve" and have Congress take control of monetary policy.

Williams disagrees. The setting of interest rates "should be left out of politics," he said.

If the administration is convinced the shutdown was caused by foreign competition, workers would be eligible for extra unemployment benefits, he said.

Williams added that he hasn't given up trying to convince Anaconda to reopen the plants, based on the hope that Federal aid to the mining industry will soon be available.

In support of his contention that the mining industry is "next in line" for federal assistance, Williams cited aid packages given to both the steel and the auto industries.

Though both candidates agree there is an energy crisis, the solutions they offer are radically different.

Williams said, "We are not suffering from a shortage. What we're suffering from is an over-reliance on oil and a lack of research and development in alternative energy resources."

Though Williams said that conservation and the development of renewable resources such as solar energy should be stressed, he said that no available resources should be dismissed. For instance, he said he does not oppose construction of nuclear power plants or synthetic fuel plants which transform coal into substitutes for gasoline and natural gas.

In contrast to Williams' multi-resource approach, McDonald said the need for imported oil can be eliminated by a single fuel—alcohol produced from agricultural waste. He said he envisions a small still on every farm.

"Cars can run on straight alcohol," he said.

But until the United States is capable of producing this much fuel alcohol, oil companies must be encouraged to tap domestic reserves, McDonald said.

The oil companies should be able to keep and reinvest their profits which means doing away with the windfall profits tax, he said.

Williams, who voted for the tax on what Congress considered excessive profits, said that the oil industry does not need more incentives. Deregulation of oil prices, which he also supported, has provided the companies with enough money to reinvest in exploration and development, he said.

The candidates disagreed on their evaluation of the U.S. Department of Energy. While Williams called it the "hallmark of Carter's first term" for giving a single direction to energy policy, McDonald calls the department a "total waste of money," and said he favors "wiping it out." DOE has not solved any problems he added.

Both candidates acknowledged that if Montana coal is to be mined, the state should retain its right to tax it at the present 30 percent rate. The coal-severance tax, passed by the Montana Legislature, has been under attack in Congress.

The cure for inflation lies in keeping a "tight rein on federal spending" and on reducing personal and small government debt, Williams said.

"We've got to get away from the buy-now-pay-later mentality," he said, adding that he advocates placing financial penalties on the use of credit cards.

To solve the problem of unemployment, Williams said the United States "ought to take the risk" of increased federal spending to encourage productivity and

research and development.

He acknowledged that by pouring money into the private sector, "there may be an initial spurt of inflation." But, he added, "in the long run we'd come out of it."

"Based on a premise that 'the only true wealth... comes from the earth and the sea,' McDonald suggested a single solution—"monetary economics"—as a



PAT WILLIAMS

cure-all for the economy.

McDonald explained that the idea of monetary economics is to allow the farmer to make a large enough return on his investment so he is able to put the money back into the economy.

The economic theory is that a dollar, when invested in the economy by the producer, will "multiply seven times," he said. Under the program "everybody is prosperous, everybody has jobs," he said. Inflation won't be increased, he added, because taxes would go down.

Other issues the candidates addressed included:

- Abortion. While McDonald, recently endorsed by the National Right-to-Life organization, opposes federal funding for all abortions, Williams said the government should pay for abortions in cases of rape and incest or when the procedure is necessary to save the woman's life.

- Defense. McDonald said he believes the United States is "vulnerable and a third-rate power" and needs to catch up to the Soviet Union in numbers of anti-ballistic missiles. Williams, however, calls the idea that America is weak "totally ridiculous." Though there are "some gaps" in the country's ability to respond to a Soviet attack, Williams said it isn't important for the United States to have "nuclear superiority."

- Tax cuts. McDonald favors the Reagan-supported proposal for a 30 percent tax-cut over the next three years. The lost revenue from reduced taxes would be made up by cutting federal spending, he said.

Williams called the tax-cut proposal "nonsensical and inflationary."

- Marijuana. While Williams said that possession of small amounts of the drug should be decriminalized and the penalties made similar to that of a parking offense, McDonald said that Federal laws should not be relaxed.

Though the people support the government, the government should not support the people.

—Grover Cleveland



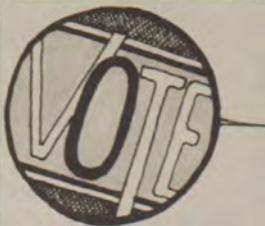
JACK McDONALD

The candidates are also divided on the issue of the federal government's responsibility to workers who lost their jobs when Anaconda Co. closed its smelting and refining operations in the state.

"Arco (The Atlantic Richfield Co. which owns Anaconda) should bear responsibility for placing these people in other jobs or by giving them some severance, which they're already doing," McDonald said. Finding jobs for these workers is not the responsibility of the federal government, he said.

McDonald, a Flathead salesman who has served four terms in the Montana Legislature, said that the only thing congressman can do now is "provide a better business climate" and attract new industry to the area. He offered no specific plan for doing this other than by personally inviting businesses to relocate in the Butte-Anaconda area.

Williams, however, said he would try to persuade the executive branch to rule that foreign competition was responsible for Anaconda's decision to close its plants.



Public Service Commission

Howard Ellis/Lonny Hanson

By HYMN ALEXANDER
Contributing Reporter

Neither candidate vying for a seat on the Public Service Commission thinks he will do much boat rocking if elected.

Both Lonny Hanson, a Kalispell Democrat, and Howard Ellis, a Republican from Missoula, feel the PSC has done a good job in the past of providing Montanans with low rates and reliable service.

The PSC determines the amount consumers pay for electricity and natural gas. It also regulates the rates and services of public and private utilities providing water, sewer and telephone services, as well as the motor carrier industry and, to a diminishing extent, the railroads.

Ellis, 58, co-owner of Disbrow's IGA in Bonner, agrees with most decisions the PSC has made but feels energy conservation should be made more a part of the rate structure. "Anything that promotes conservation is good for both the consumer and the producer," he said.

Hanson, 36, a former business administrator for the International Brotherhood of Electrical Workers Local 768, said, "I'm quite comfortable with the rates they have established, although I am bothered that they are not more concerned with the public safety aspect of their job." He cited unsafe power lines and poorly maintained railroads as his major complaint.

Ellis feels he is the best man for the PSC post because his three terms as a member of the Montana House of Representatives gives him the government experience that he feels the job requires. He served in the 1975, 1977 and 1979 sessions.

"My advantage over my opponent is that I will have a rapport with a good core of legislators that he does not have. That will be very important when we go to the Legislature to ask for additional dollars," he said.

Hanson said that he quit his union position a couple of months ago and sees no way his former job will influence his decisions as a commissioner.

"I am a working man," he said, "and I am for the consumer."

The PSC race features no incumbent because the current commissioner, George Turman, is the Democratic candidate for lieutenant governor.

Hanson would like to see the PSC staff expanded to include a safety inspector. "I am concerned about all the derailments that have occurred between Browning and Libby, including a passenger train," he said.

He said that he would work to strengthen the accounting capabilities of the PSC to develop its own expertise in energy forecasting. The commission currently relies on the utilities for projections on future energy use and patterns.

Ellis agrees that the PSC is understaffed and he also wants to see more audits done on the financial reports of utilities in order to spot "noncompliance."

Ellis would like to see a communication technician added to the staff. The technician, he said, could examine the latest technology being used to see if it might save consumers money.

"For example," he said, "automation in the telephone in-

dustry might be saving the company gobs of money, and that should be savings to citizens."

Ellis thinks that energy forecasting should be handled by a separate government body, apart from the PSC. "If the PSC did the forecasting," he said, "the results would be open to criticism, just as the utility studies are now."

Ellis said that the safety record of the commission is not that bad, and safety is further down his list of priorities.

Both men see difficulty in obtaining funds from the Legislature to increase the staff of the PSC.

"I think it's a result of the economic situation we're in," said Ellis, "and I can see where these higher costs are producing energy conservation measures that are going to level the situation off someday directly." He added that the Montana Power Co. is realizing that energy consumption is far below the projections it made a few years ago.

Both candidates said they support alternative energy projects such as solar and wind power, but added that the projects must be able to compete with the existing energy market.

Ellis points to the Public Utilities Regulatory Act (PURPA) passed by the federal government in 1978 as the main tool the PSC can use in promoting energy conservation. The bill requires state regulatory commissions to examine alternative rate structures that may help conserve energy and save consumers money.

Both candidates support the lifeline rate currently enforced by the PSC. That policy allows for a winter discount rate for the first units of energy used by a consumer each month. That loss in revenue to the utilities is made up in the summer, primarily by large energy users.

Hanson wants the lifeline rate expanded to include direct grants to help needy people pay their energy bills, while Ellis feels those subsidies should remain a function of government agencies such as the Human Resource Council "because they know who the needy are."

Hanson and Ellis also disagree on the current PSC policy or prohibiting a utility from disconnecting someone's natural gas or electricity in the winter.

Hanson thinks that the policy has been abused to the point where renters simply move when spring comes "and you and I are left with the bill." Ellis said he is aware that last winter there was widespread abuse of the no-disconnect policy but "until we come up with something better, we should put up with it."

The candidates also gave their views on the following issues:

- MPC's alleged inflated rate base. The PSC is considering shaving \$14.8 million from the utility's rate base. The money involves inflated values of company land holdings dating back to the turn of the century. Ellis favors letting MPC phase out the higher rates over a 10-year period. Some of the PSC staff would like the higher payments stopped immediately. Hanson said that he was not well enough informed to comment on the case, which will be decided next year.

- The Burlington Northern pull out. BNT wants to abandon its service routes in Montana because it says it is losing money. The PSC

has demanded to look at BNT's financial records before they allow it to pull out. Both candidates said that the PSC is within its legal rights to take the company to court to force it to prove it is losing money.

- Eminent domain procedures. The Northern Pipeline Co. found an old law that permitted it to sidestep several government agencies in seeking to condemn land along the proposed pipeline route. Both candidates said the law should be revised by the Legislature to make pipeline companies conform to procedures followed by other industries.



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Assoc. Conference	Nov. 1	9 a.m.	Mt. Rooms
Free Film: "Blue Angel"	Nov. 1	9 p.m.	Copper Commons
SAC Lecture			
Richard Sheridan	Nov. 3	8 p.m.	Lounge/FREE
Presidential Election Polling Place	Nov. 4	8 a.m.-8 p.m.	Ballroom
Central Board	Nov. 5, 12	7 p.m.	Mt. Rooms
Anderson Zurmuehlen & Co. Reception	Nov. 5	7 p.m.	Mt. Rooms
Brown Bag "Holistic Healing"	Nov. 5	Noon	Mt. Rooms
State CPA Exams	Nov. 5, 6, 7		Ballroom
ORC Film: "Voices of the River"	Nov. 5	8 p.m.	Lounge/FREE
Public Health Nurses Workshop	Nov. 6, 7		Mt. Rooms
WRC Assertiveness Training	Nov. 6, 13	3 p.m.	Mt. Rooms/FREE
PERS Workshop	Nov. 6	8 a.m.	Mt. Rooms
Alethia Coffeehouse: Dave & Dana Price	Nov. 6	8 p.m.	Lounge/FREE
Presidents Council Luncheon	Nov. 7	Noon	Mt. Rooms
Meeting	Nov. 7, 8		Mt. Rooms
Coffeehouse: Carol Bridgewater	Nov. 7	8 p.m.	Lounge/FREE
Films "You Can't Take It With You"			
"My Man Godfrey"	Nov. 8	7 p.m.	Ballroom
Gallery Reception: Dennis Voss	Nov. 9	7 p.m.	Lounge
Excellence Fund Luncheon	Nov. 10	Noon	Ballroom
SAC Lecture: Dan Kemmis	Nov. 10	8 p.m.	Lounge/FREE
County Personnel DP Seminar	Nov. 12, 13, 14	8 a.m.	Mt. Rooms
WRC Brownbag Women			
Getting Strong	Nov. 12	Noon	Mt. Rooms/FREE
Wilderness Institute Fair	Nov. 12, 13		Mall & Mt. Rooms
Slide Show	Nov. 12, 13	7:30 p.m.	Lounge/FREE
Bookstore Luncheon	Nov. 12	Noon	Mt. Rooms
Missoula Credit Women's Breakfast	Nov. 13	7 a.m.	Mt. Rooms
Programming Concert "A Montana Chautauqua"	Nov. 14	8 p.m.	Ballroom/FREE
Film "All About Eve"	Nov. 14	8 p.m.	Commons/FREE
Retired Teachers' Luncheon	Nov. 15	12:30 p.m.	Gold Oak East
Ski Club Film "Twenty Years of Skiing"			
Gallery Show: Dennis Voss	Nov. 15	8 p.m.	Ballroom/adm. Lounge
1st Nat'l. Bank 24-hr. Teller	Nov. 9-21		
Copy Center II			
Copper Commons	Mon.-Fri.	8 a.m.-5 p.m.	
	Mon.-Fri.	7 a.m.-11 p.m.	
	Sat.-Sun.	11 a.m.-11 p.m.	
	Mon.-Fri.	9 a.m.-1 p.m.	
	Mon.-Fri.	11:30 a.m.-1 p.m.	
	Mon.-Fri.	8:00 a.m.-5:30 p.m.	
	Mon.-Thurs.	9 a.m.-11 p.m.	
	Friday	9 a.m.-12 a.m.	
	Saturday	12 p.m.-12 a.m.	
	Sunday	12 p.m.-11 p.m.	
	Mon.-Fri.	12 p.m.-4 p.m.	
Outdoor Resource Center	Daily until mid Oct. (Reservations — 243-5622)		
Golf Course	Daylight to dark		
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County Commissioner— Germaine Conrad/Reed Marbut

By LYNN PENICK
Contributing Reporter

Missoula city and county governments need to be prodded into cooperating with each other.

That is what Republican Reed Marbut and Democrat Germaine Conrad, candidates for Missoula County commissioner, recently said they believe is the main issue of their race.

Marbut and Conrad are vying for the District 3 commission seat that was vacated by Jim Waltermire, who is now running for the Secretary of State's office. Joseph Boyer now holds the position.



GERMAINE CONRAD

Marbut, 45 and a veterinarian and manager of the Grant Creek Ranch housing development, said the county needs "strong administrative leadership" to gain cooperation and clear up conflicts between city and county department heads.

If elected, he added, he would mandate communication between department heads, creating "a spirit of communication and cooperation."

Conrad, a 37-year-old German teacher and part-time radio announcer, agreed that communication is needed between departments, but she said the commissioners' job is to set policy and to "stop meddling" in the affairs of the departments and to let the department heads take care of their own problems.

Conrad added that, if elected, she would hold "sit-down meetings" with department heads to discuss their complaints and goals.

Consolidation of city and county departments may be possible, both candidates said, adding that more study of the situation is needed.

The candidates also agreed that one of their main concerns is attracting industry to Missoula.

"Diversification of industry is mandatory," Marbut said, adding that Missoula must encourage a

"pro-business political climate" to attract industries.

Once a pro-business climate is created, he said he would try to expand Missoula's present industries, then seek out industries that can put the county's unemployed back to work, such as wool-processing and food-processing industries. Only then would he seek high-technology industries, Marbut said.

On the other hand, Conrad said she would like to attract "cute, clean and small" industries, such as gadgets, electrical and solar products industries to the county.

"I don't want to play beggar and accept anything that comes along," she added.

Conrad said she would try to attract industries to the county by putting together a package which would outline the advantage of bringing an industry to Missoula, and taking it to a professional relocation organization. These organizations, usually located in large cities, act as referral agencies for industries seeking new homes.

"Encouragement, financial easements, such as revenue-sharing bonds, tax incentive and Missoula's cultural environment" could also be used to attract



Alfred Hutcheson/Bob Palmer

By DEBBIE KEHR
Contributing Reporter

Bob Palmer and Alfred Hutcheson, candidates for county commissioner, agree that there is a pressing need to diversify and strengthen Missoula's economy.

Both also agree that local leaders and the community should work to attract only non-polluting industries to the Missoula valley.

But the two candidates differ about how to lure industry here and about problems that would have to be overcome before this

eastern counties.

Under the current plan, half of the interest from the 30-percent severance tax goes into a trust fund, and the other half goes into a fund for such things as exploring alternative energy and for offsetting the impact of coal development in eastern Montana.

"I don't support going into the principal of the trust fund—that's for the future," Palmer said. "But the way the state is using the money we can spend is not fair to the western counties."

Palmer said he would lobby the 1981 Legislature to set up a statewide fund where any county could petition for money in order to generate economic development.

Hutcheson said he felt over-regulation of business was a main roadblock to the encouragement of new industry and the expansion of existing industry in Missoula. For example, he said an ordinance passed in the spring of 1979 which restricts the size of signs in Missoula is a hindrance to business expansion and growth.

"To make people take down a sign which their business has had for 40 or 50 years is ridiculous," he said, explaining that the county and the city should work together to compromise on this issue and other issues as well.

Both candidates agreed that counties should have more power to offer tax incentives to attract industry to local areas.

Hutcheson, who has no previous political experience, said he felt this issue is particularly important because he would like to be able to offer special tax breaks to industries that use alternative energy sources.

Under current Montana law,

however, a county cannot offer tax breaks without legislative approval.

A similar issue that concerns both candidates is a county government's lack of power to place tax-related initiatives before voters.

"I don't want to raise taxes," Palmer said. "I would like to see counties have the power to place an initiative before voters on whether or not to raise local taxes."

This would give the public the option of maintaining county services and programs at their current levels, he said, adding that he would use his legislative experience to lobby for this kind of county power.

Under Montana law now, county taxing power is restricted to property mill levies.

Palmer said that if worse came to worst and services had to be cut, he would favor an across-the-board reduction of programs.

Hutcheson said that maintaining the current levels of county services is important and that he, too, would lobby for county power to ask the voters for a tax increase to keep current services.

Hutcheson and Palmer both agreed that final say on all tax matters should be given to the voters.

"But if services have to be cut," Hutcheson said, "then cut them all the same. Don't single out any one program."

Hutcheson also said he was "big on conservation."

Before taxes are raised or services cut, he said, each of the county's programs should be closely studied in an effort to see





industries, Conrad said.

Marbut said he would have to study the problem before specifying how he would try to attract industries to Missoula.

The candidates, however, did not agree on county land use and growth issues.

"There must be an emphasis on preserving agricultural land," Conrad said, adding that she would try to "maintain a standard of desirability" to live in the county.

This could be done, she explained, through land-use planning. For example, she said she advocates putting 100-year reservations on water running through the county and in some areas, building townhouses.

Marbut, a former rancher, said the preservation of farmland in the county is not a major priority. However, he added that although farming is not a money-making business in Missoula, "the county must protect the value of farmers' lands."

On land-use planning and growth, Marbut said residential property is so unavailable that he would support its growth, but he would set limits on business expansion.

On other issues, the candidates:

- disagree on changing the form of county government. Conrad said she would favor home rule — or the power to exercise all legislative powers not prohibited by law or by charter — while Marbut said he would not favor a change in government since county residents are "over-regulated and over-controlled" and all the county needs is "good efficient management."

- agree county zoning laws are inadequate. Conrad did not say how she would change the laws, while Marbut said he would ask the Legislature for county planning authority, since all county planning is now done under zoning regulations.

- both oppose a tax increase, saying it is not necessary.

Conrad said as a commissioner she would represent the desires of the people more than would Marbut, and that she would be more willing to listen to the people. However, Marbut said he, as a lifetime member of the county, has "broad-based roots in the community" and has the business and management skills the county needs.

Conrad is a founding member of the Westside Neighborhood

Association and has served on the Lowell PTA and the United Way Allocations Committee, while Marbut is a faculty affiliate with the University of Montana and has served on Rotary International, the Montana Land Management Committee for the National Wildlife Federation, the YMCA Youth Soccer Governing Board, Mayor Bill Clegg's Blue Ribbon Committee of 50, the Board of Directors of Missoula Symphony, District 4 School Board and is the founding president of Young Audiences of Western Montana.



REED MARBUT



where material waste and job duplication can be eliminated.

Both Palmer and Hutcheson said they believe city-county consolidation in Missoula is not possible at this time.

Hutcheson said he would first like to conduct an intensive study of the forms of consolidation adopted by the city of Butte and Silver Bow County and the city of Anaconda and Deer Lodge County before drawing up a plan for Missoula.

"That way," he said, "we could seek out the best options and pick out the weaknesses of each before doing anything in Missoula."

Palmer said he would like to see consolidation plans start with a "smaller scope."

County commissioners should start with asking for legislative action to give counties the power to pass ordinances, like city governments now can, he said.

Palmer calls this "home rule power," and he said that it, along with expanding the number of county commissioners from three to five or seven, should be the first steps toward consolidation.



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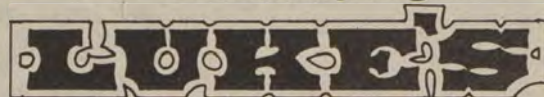
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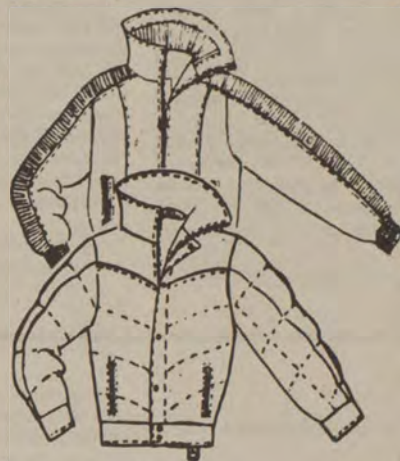
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ELECTIONS

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SD WILLIAMSON

Secretary of State

A race between J. D. Lynch/Jim Waltermire

By MIKE DENNISON
Montana Kalmin News Editor

John "J.D." Lynch's and Jim Waltermire's professed goals for the secretary of state's office are very similar, so the candidates are pointing to their public service records and experience as the differentiating, decisive factor in the race.

Lynch, a 33-year-old former four-term state representative and Butte High School teacher, said he and Waltermire have a "difference in philosophy."

"If you check the opposing records, see how each candidate has done things, what they've accomplished, you'll see the difference," he said.

is "a question of administrative experience versus no administrative experience, for what is first and foremost an administrative position."

The secretary of state's office must record and process state bills, execute records, uniform commercial codes, notary publics and article of incorporation for corporations operating in the state.

The secretary of state also oversees voter registration and state and local elections and holds a seat on the state Land Board and Board of Examiners.

Montana has had only two elected secretaries of state in the past 48 years. Democratic incumbent Frank Murray, 73, is retiring

while he was a legislator, said Lynch should know the secretary of state's office budget well because Lynch was on the House Appropriations Committee.

Another Butte representative and acquaintance of Lynch, Bob Pavlovich, Democrat, said Lynch would be "a fair man, and a good man for the job—especially on the Land Board."

He said Lynch was an environmentalist, "as we all are in some respects," but that Lynch was not an "extremist" in environmental affairs.

Waltermire also was a loser in the 1978 Western District congressional race, losing the general election to Rep. Pat Williams. Waltermire had been Missoula County Commissioner since 1976 and resigned that post this March to run for secretary of state.

Waltermire said while he was county commissioner, the county gained a net \$250,000 in investment return because he created a new position—director of centralized services.

Chuck Brooke, chief of staff of the board of county commissioners, said Waltermire also helped the county set up a self-funding insurance plan and a plan under which banks bided competitively to sell bank bonds to the county, thus insuring the county the highest possible interest rate on the bonds.

"He created the atmosphere of professional management needed," Brooke said. Although Brooke called Waltermire an extremely hard worker, he said Waltermire was not especially popular with office personnel.

"He expects the same of his employees as he does of himself," Brooke said.

Lynch emphasized that an administrator is only as good as his staff, and called Murray's staff "one of the finest in state government."

Any plans for improving the secretary of state's office operations must be discussed with its employees, Lynch said. They have been "dedicated and have followed instructions," he said.

One improvement Waltermire and Lynch agree on is conversion of the office's record-keeping to some form of microfilm, as the office has fallen behind in keeping up with document requests.

Both candidates said improvement of the office's day-to-day operation is their "number-one-priority," and hope that increasing office efficiency with an initial large investment in equipment will save the taxpayers money over the

long run.

Murray's office currently is conducting a study on conversion to a computerized microfilm system, and both candidates said they would consult the results of the study before making a decision on what system to buy and install.

With a computerized system, a worker could take a request for a document over the phone, immediately find the microfilmed copy of the requested document and make a photocopy of it for mailing.

Leonard said he expects about \$700,000 to be spent in the next two years on the conversion.

Lynch named \$500,000 as a "ballpark" figure that he would request from Legislature for the conversion.

Waltermire declined to name a price he expected for the microfilm

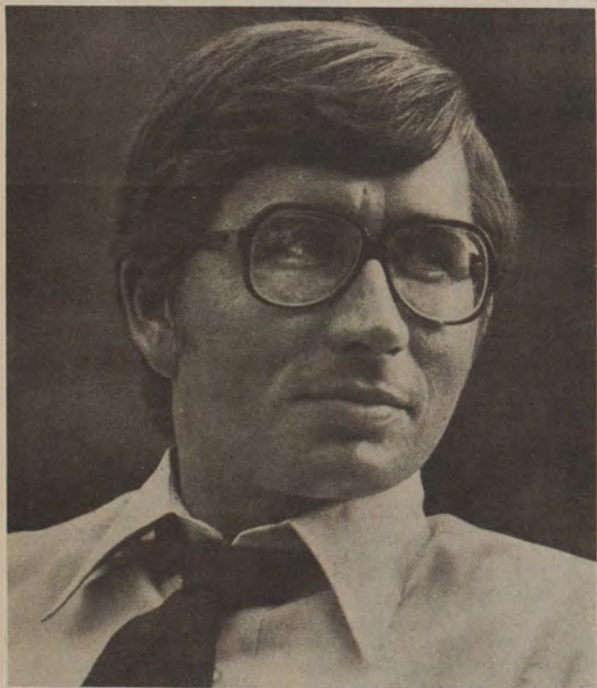
conversion, saying any figure-naming would imply he'd already decided what the system was going to be.

He said he would "address all alternative methods in processing," such as microfiche and computer retrieval.

On other issues, both candidates:

- said they would personally encourage the electorate to register to vote. Lynch said he would consider poll-booth registration (allowing voter registration up to and including election day); Waltermire said he was against it.

- favor including "escalator clauses" in contracts for leasing state lands. An escalator clause allows the state to raise the price of a land lease if the product gained from the lease, such as coal, increases.



JIM WALTERMIRE

Lynch characterized himself as a "middle-of-the-road" Democrat, favoring economical development, but only if "it's on Montana's terms." He voted for Montana's major facility siting act and the coal severance tax.

Lynch has also been called "a good labor man" by his constituents.

Comparing records is alright with Waltermire, 31-year-old former Missoula County commissioner, who says his experience as an investment counselor, rancher and county commissioner make him the better choice.

He said the choice offered voters

this year after a 24-year tenure. Before Murray was Sam Mitchell, who was elected in 1933 and served until 1954.

Lynch, born and reared in Butte, served in the House from 1971-1978, when he quit to run for Western District congressman. He finished third in the Democratic primary behind Pat Williams and Dorothy Bradley.

While in the House, Lynch was on the Legislative Administration Committee and the Legislative Council, which he said provided him with administrative experience.

Butte Democratic Rep. Jack Healy, who worked with Lynch



J. D. LYNCH

Inside

Inside this section are stories on:

- The four State Supreme Court races, pages 18, 19 and 20.
- The state Superintendent of Public Instruction race, page 21.
- Two races for District Court judge, pages 22 and 23.

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—Kathleen Carroll, N.Y. DAILY NEWS

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Supreme Court races— Wallace Clark/John Sheehy

By MICHAEL CRATER
Montana Kaimin Reporter

Municipal Judge Wallace Clark of Missoula has never argued a case before the Montana Supreme Court, but he claims "superior experience" in his bid to unseat Justice John Sheehy.

Sheehy raised the issue of experience last week by pointing to his 30 years as a trial lawyer, during which he argued before all levels of the court system. Sheehy also served three terms in the state Legislature and has been on the Supreme Court since he was appointed by Gov. Thomas Judge in 1978.

"Judge Clark can't match that, no way. I don't know how many times he's even been up there" to the court, Sheehy said, "but not more than once or twice."

Clark said in response that he wrote thousands of legal opinions while he was an Air Force judge advocate, and "all they do is write opinions up there" at the Supreme Court.

Clark said the current court has coddled criminals, overturning too many criminal convictions on technical grounds. "When a jury of 12 people has decided one way or the other, to sit up there and second-guess it's a farce," but declined to give specific examples. Clark has been Missoula's police judge since 1967.

But Sheehy replied that "if a person is convicted unlawfully, he's entitled to his rights." He said the court has overturned less than one-fourth of the criminal cases it

has reviewed and added, "as a judge, I've got to apply the law as the law is written."

Clark said he favors capital punishment and "absolutely" opposes abortion, adding that "it's quite likely that the court will be called upon" to decide both issues.

Sheehy, on the other hand, said he personally opposes both abortion and capital punishment. He said the abortion issue "won't come to our court" because it has already been decided by the U.S. Supreme Court. Capital punishment, though, has come before the court twice while he has been a justice. Both times he was assigned to write the opinion supporting Montana's death penalty, even though he had voted against the death penalty while a legislator.

He said he wrote the opinions so well that the federal courts decided not to review them. Another Montana case in which the death penalty was imposed still faces possible federal review.

Clark accused the court of being inconsistent, saying it has failed to follow judicial precedent in deciding cases. He said the court has turned justice into "a game of technology, applying their own sociological theories."

Sheehy denied the accusation. "I apply the law as the law requires. You look to the past for precedent, but you look forward for the growth," he said, adding that "the Constitution is like a suit of clothes for a small boy. As the boy grows, the suit has to grow, too."

Both candidates said they op-

pose closing trials to the press, and both favor upholding Montana's coal severance tax. Sheehy noted that when the coal tax came before the Supreme Court, "the other members of the court called upon me to write the opinion in this important case." He said he thinks his opinion will stand up in the federal courts.

Clark criticized the prison system, calling it "a savage relic of medieval times." While that criticism might seem inconsistent with his claim that "I'm the law and order candidate," Clark said it really is not.

He said he favors mandatory sentencing, under which judges would have to mete out legislatively prescribed sentences to convicted criminals, but he thinks prisoners should be in smaller prisons and should be allowed to work at regular jobs outside the prisons.

Sheehy said the Legislature, not the courts, is responsible for changing the prison system. He said he opposed mandatory sentencing because it would prevent such things as the criminal's record and family situation from being considered in sentencing.

While Sheehy said the court is "quite inexpensive, considering that it's one of the three great branches of government," Clark said it costs too much. He poked fun at a plan to build showers for Supreme Court justices in the Capitol building saying, "I'm bringing my own tub to the Supreme Court. Or maybe I'll bathe at home."

Jeff Brazier/Fred Weber

By STEVE STUEBNER
Montana Kaimin Reporter

Fred Weber and Geoffrey "Jeff" Brazier differ on their respective qualifications for one of the two new seats on the Montana Supreme Court, but both agree that consistency is needed on the court.

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The court must enforce legislative intent, Weber said, adding that if the Legislature "hasn't spoken," historical precedents should be considered. "The stability of the law depends on an orderly development that is tied into recent decisions," he added.

Brazier, who has 21 years of law experience, said the problem with the court's consistency is that it continues to "overrule old rules" and legislate more than it should. New decisions are made, he said, without proper respect for past decisions.

A possible solution, Brazier said, might be the formation of two, three-man panels on the court for "routine" cases. Each panel could deal with certain subjects, he said, and thus increase consistency. The court could hear a lot more cases too, he added.

The way the two-panel system would work, Brazier said, is that the chief justice would "float" from one panel to the other so that four

men are present for a majority as mandated by state law.

Weber said he would want to discuss the two-panel system with other judges to see if it would work before he could comment on it. However, he added that he is not against it.

The thrust of the two candidates' campaigns for the eight-year term are not on issues, however, but on qualifications and records.

Brazier, 50, who practices in Helena, said he is backed by "people" organizations because he represents the people, while his opponent gets support from big business because he represents corporations. He added that over time, only one type of lawyer will be elected to an eight-year term on the Supreme Court if people elect "big money" candidates.

"I'm trying my best to change that this time," Brazier said.

Weber, a 61-year-old Havre lawyer, responded by saying he does represent major corporations in local matters, but the majority of his cases deal with farmers, ranchers, railroad workers and individual people. "I've worked in most of the areas where cases (that go to the Supreme Court) come from," he said. "My experience gave me practical background for the job."

Weber makes no excuses for representing corporations. "Havre isn't exactly the corporate center of Montana," he said. "Most of my experience with big business is with people who own a small ranch where you have a small corporation."

In a recent poll of 295 Montana lawyers by the Montana Bar Association, Weber was rated

Cont. on p. 20

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Frank Haswell/Mark Racicot

By Nanci Olson
Montana Kaimin Reporter

Marc Racicot, prosecutor coordinator in the state Department of Justice, is stressing the need to restore common sense and the public's confidence in the judicial system in his campaign to unseat Frank Haswell, chief justice of the Montana Supreme Court.

Haswell is campaigning on his experience and record as chief justice since 1967.

Racicot (pronounced Roscoe), 32, said in an interview recently that the Montana criminal justice system is failing because it has gone too far to protect the rights of criminals.

The Montana Supreme Court is an "activist court" because it interprets laws differently than other states do, and because the justices follow their own social convictions rather than the law, said Racicot, who was a deputy county attorney in Missoula in 1976.

Haswell, 62, disagrees with Racicot's assessment of the court, saying that a justice is not free to substitute his own personal views for the law in a case.

As an example of a case in which the court went too far to protect the rights of the accused, Racicot cited a Livingston marijuana-possession case.

The court overruled the District Court conviction of a Livingston man on the grounds that a police officer had relied on his sense of smell alone to obtain a search warrant.

Haswell, who practiced law for 12 years before his election in 1958 as a district judge in the Kalispell area, said the Livingston case was based on a constitutional case of probable cause to obtain a search warrant.

"Handing down corny decisions like this one defies common sense and does not instill public confidence in the judicial system," Racicot said.

Another case which Racicot, a Thompson Falls native, cited as an example of the Supreme Court

going too far to protect the rights of the accused was the court's decision to overturn the conviction of a Eureka man charged with rape.

Evidence submitted from the man's previous conviction for rape was determined to be prejudicial to the case, according to Racicot.

Criminals are being convicted in District Court, and then released because the Supreme Court overturns the decisions, Racicot said.

Racicot, a Carroll College and University of Montana School of Law graduate, said that the Montana Supreme Court overturned 41 percent of the cases appealed to it in 1979, adding that as the crime rate rises, the conviction rate is falling.

The County Attorneys Association said that 33 percent of the criminal convictions in 1979 were overturned by the Supreme Court, according to a recent article in the Billings Gazette.

Haswell, a University of Washington and UM law school graduate, stressed his experience when he listed his accomplishments on the court as:

- devising the plan to put two more justices on the Supreme Court to help with the growing workload.

- adopting internal operating rules providing for classification of cases.

- devising Canon 35, which permits television cameras in the courtrooms during trials.

- developing new rules on admission to the bar, including elimination of the diploma privilege under which UM law graduates were admitted to the bar without taking the bar examination.

Projects which Great Falls native Haswell would like to undertake if he is re-elected include:

- overseeing the transition from a five-member to a seven-member court.

- lobbying for a uniform legislative policy on funding district courts.

- alleviating the imbalance in workloads among lower courts.

Racicot, who was outpolled in the primary election by Haswell 110,875 to 40,300 votes, has several programs of his own that he would stress if he is elected.

They include:

- getting computerized legal research to speed up and improve the court's work.

- making sure the court follows its own administrative rules so cases are not processed in a haphazard way.

- closely monitoring the work of court clerks.



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—Philip Bailey

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—John Arbuthnot

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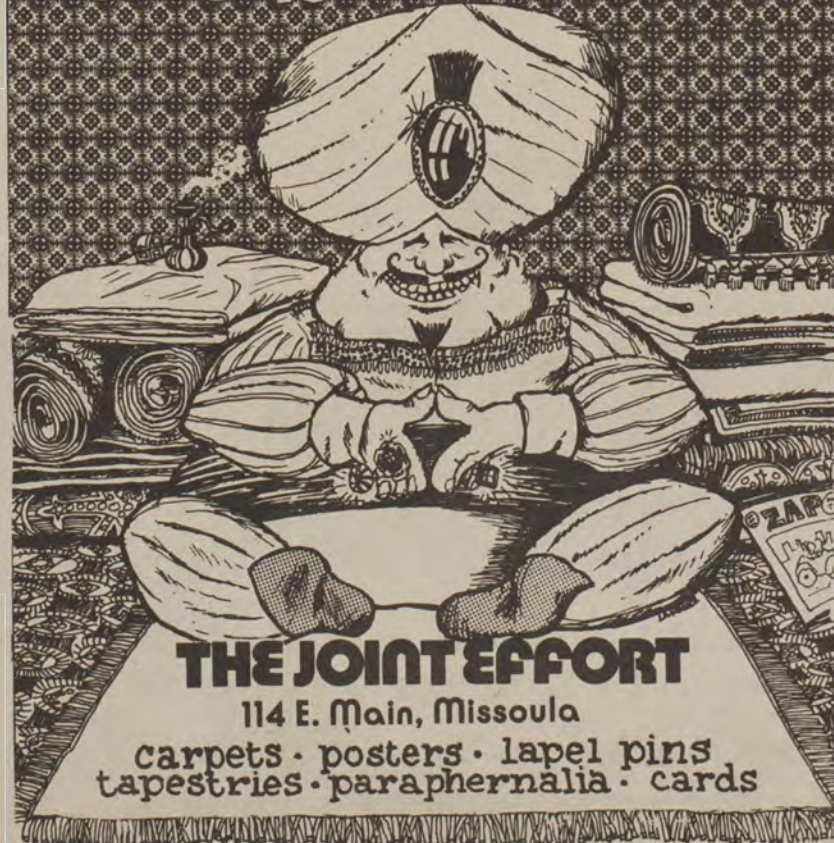
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District Court

Don Matthews/James Wheelis

By SUE O'CONNELL
Montana Kaimin Editor

One of the few issues emphasized in the non-partisan race for the Dept. 1 seat of the Fourth Judicial District is the record of one of the candidates — the incumbent judge, James Wheelis.

Wheelis, running on his two-year record, faces Missoula lawyer Don Matthews, a self-described "conservative" who says Wheelis' judicial philosophy has led to some "liberal" and "atrocious" decisions.

"There's hardly any way to judge a judge," the 57-year-old Matthews said recently, adding that a judge's past decisions on motions, sentences and trial procedures must be examined to determine if the incumbent deserves re-election.

Wheelis, 38, was appointed in 1978 to fill the vacancy created by Edward Dussault's resignation as one of the three judges in the Fourth Judicial District, which encompasses Missoula, Ravalli, Mineral, Lake and Sanders counties.

And Matthews said he, as a "conservative," does not agree with many of Wheelis' decisions.

Wheelis, however, defends his record as one of "integrity" — one that shows he can make tough decisions in the face of public criticism.

One of those decisions, made last spring, has been used as a campaign issue by Matthews. The case involved an alleged sexual assault; the victim was a 9-year-old girl. Wheelis dismissed the case on the grounds that the evidence presented did not fit the statutory definition of sexual contact.

Matthews, a former deputy sheriff in Los Angeles, termed the decision "atrocious." But Wheelis justifies his decision as one following the boundaries set by law and says he had to determine if the actions were "illegal as well as reprehensible."

The decision was subsequently appealed to the state Supreme Court, which in September reversed the decision, and the case will now be retried.

He also contends the case demonstrates he is "fit for the job" because he can make unpopular decisions.

His recent postponements of sentencing for two men convicted of murder — Darrell Plouffe and

Michael Dupre — were also questioned by Matthews, who said they could be election-year tactics, a way for Wheelis to avoid criticisms for any unpopular decisions he may make.

The postponements were made to allow for pre-sentencing evaluations of the men and for motions for a new trial to be filed in the Plouffe case.

Wheelis counters that while it would have been easy for him to have set the sentence hastily, his "self-respect" would not allow him to. Any incumbent judge is in "an ideal position for ensuring re-election" by deciding cases and sentences at "opportune" times, he said, adding that he personally could not use those tactics.

The candidates' views also differ somewhat on how sentences should be determined, although neither was enthusiastic about proposed state legislation to set mandatory sentences for each type of crime.

Matthews said he does not feel judges should have no discretion in sentencing, but believes they "should be bound up a little tighter than they are" and that "a bottom line" should be established for each type of crime. And he said prison sentences, rather than deferred or suspended sentences, are necessary in any conviction on charges of murder, kidnapping, rape, burglary or assault with a deadly weapon.

On the other hand, Wheelis termed mandatory-sentencing legislation "misguided."

"Every time you sentence someone, there is no clear answer," he said, explaining that he bases sentences on the type of crime committed, the offender's criminal record and on how he thinks the person will be affected by the sentence.

In other judicial issues, the two candidates:

- agreed that pre-trial or trial proceedings should not be closed to the press and public except in rare instances, such as when a victim of sexual assault or rape, particularly a minor, is testifying and is very distressed emotionally.

- agreed that the fourth judgeship created by the 1979 Legislature to be filled this year would do little to decrease the heavy caseload in the district because of the current backlog and the yearly rate of increase in the number of cases. However, Wheelis did say that the judges should have a little more time to spend on domestic and civil cases, which he said tend to be neglected for more pressing criminal cases.

- agreed that deferred or suspended sentences are usually sufficient for people convicted of possession of small amounts of marijuana, but differed in their views on marijuana use. Wheelis said the court now handles very few such cases, but that when he does rule on them, he takes into account the past criminal record and feels most marijuana users "just are not criminals." Matthews said use of marijuana should be discouraged as long as it is still illegal, and that he believes it leads to the use of hard drugs and, often, the need to resort to crime to support a habit.

Matthews is the only one of the two candidates who has previously run for a public office. In 1978, he unsuccessfully challenged incumbent Robert "Dusty" Deschamps for the post of Missoula County attorney.

As a result of that race, Matthews was charged in a lawsuit, filed by the state commissioner of campaign finances and practices, with violating campaign finance laws by not keeping a designated campaign account and for using cash for campaign purposes. But a ruling by District Judge John Henson this spring stated Matthews did not intentionally violate the laws when he paid for a newspaper advertisement with cash and a check.

Matthews explained that he closed the campaign account that is required by law when he ran out of funds before the election; later, he decided to run one last advertisement, which he paid for with his own money. Because he was not using campaign contributions and because he had had a designated campaign account, the charges were unwarranted, he said.

Henson ruled that Matthews "negligently and mistakenly violated the law," but no fine or punishment was imposed because of the unintentional nature of the violation.

Matthews is currently involved in another lawsuit — a countersuit to one he filed to obtain title to property as security for payment of legal fees. The plaintiffs, in filing the countersuit in August, charge that he coerced them into signing the agreement for transferring ownership by telling them 15 minutes before their trial was to begin that he would not defend them unless the deed was signed.

Matthews contends he is not interested in owning the land, but in receiving payment for his work, and that the deed acts only as security for payment. The suits are still pending in District Court.

In explaining their reasons for running, both men cited their experience — Wheelis emphasized his two-year term, while Matthews cited his work in law enforcement and as a public defender for Missoula County from 1971 to 1978.

According to Wheelis, the votes must be based on the qualities of the candidates. He said he has demonstrated during his term that he has the skills and temperament required for the job.

And Matthews said his varied law and legal work, as well as his age, give him a good background for the job. "I've lived longer," he said, adding that experience in itself should count for something.



Douglas Harkin/Jack Pinsoneault

By **BOOMER SLOTHOWER**
Contributing Reporter

The race for the new judgeship in Montana's Fourth Judicial District may well be decided by which of the two candidates' definition of experience the voters see as appropriate for a judge.

Douglas Harkin and H. J. "Jack" Pinsoneault are running for the non-partisan position, which was created by the 1979 Legislature to help the three existing judges handle the heavy caseload in Missoula, Lake, Sanders, Ravalli and Mineral counties.

The two candidates seem to agree on the major issues and both see the slowness of judicial proceedings as the main problem in the fourth district. But each has different solutions for the problem, and each sees his own experience in law as the proper training ground for the bench.

Pinsoneault, 53, was the Missoula County attorney from 1960 to 1970. He was defeated in a bid to unseat then-District Judge Emmet Glore in 1964. Since retiring his county attorney post, Pinsoneault has been in private practice in Missoula.

Harkin, 37, is currently the Ravalli County attorney, a position he has held since 1973. Earlier this year, Harkin and three Ravalli County commissioners were the subject of a recall petition by a group of Ravalli County residents. The state attorney general's office said the petition was inadequate, and nothing more was done by the group.

Harkin said the recall attempt was done to damage his career because he had made some decisions on subdivisions and zoning in the county that were unpopular with special-interest groups.

Both candidates agree that experience as a county attorney will be helpful for them as judges. Every court has rules and procedures that it follows, Pinsoneault said, adding he got to know the procedures of the Fourth District Court well during his years as county attorney.

Pinsoneault said that he has kept up with the changes that have been made in the law since he was county attorney through law seminars and his own reading. "The biggest problem is staying abreast of the changes made every two years (by the Legislature)," he said. It would not require a very long apprenticeship before he is able to take a full caseload, he said.

Pinsoneault stressed his experience in civil law as well as criminal law and claimed that Harkin's exposure has been limited mostly to criminal law. "I've handled the people problems," he said.

Harkin disputed that claim saying he had maintained his private practice until July when he was made county attorney full time.

Harkin was also skeptical of Pinsoneault's ability to adapt to all the new areas of law and to the changes in pre-existing laws. New areas of the law, such as subdivision law and juvenile and sanity laws, have risen in importance in the last 10 years, he said, adding that "the area of the law that changes the fastest is criminal law." If a lawyer is not dealing with

the changes every day he will fall behind, Harkin said, adding, "being a county prosecutor 10 years ago doesn't cut a whole lot of ice."

Mandatory sentences, closure of judicial proceedings to the public and the press, sentences for marijuana possession and family problems, such as divorce and child custody, are all areas of concern for judges. There is little area of disagreement between the stands taken on these issues by Harkin and Pinsoneault.

A new bill to implement stricter mandatory sentences in Montana will be introduced in the 1981 Legislature. Pinsoneault said he does not understand the need for mandatory sentences. Each case should be decided on its own merits, he said, adding that a judge has reports and recommendations on which to base his sentence.

Harkin said the current mandatory sentences in the state for more serious crimes are strict enough if judges enforce them. Judges are best able to decide a sentence and should have certain leeway, he said. "I like what we have now," Harkin said. "If the judge will enforce them, those laws have plenty of teeth."

Both candidates agree that the question of the legality of marijuana possession is best left up to the Legislature. State law allows for a deferred sentence for first offenders, and Harkin said he is willing to give a first offender a second chance. He said he supports harsh penalties for sale to children.

Pinsoneault said the sentencing should depend on the individual case. He said he has known people who have gone on to harder drugs after starting on marijuana, adding that he does not believe sending them to prison would necessarily have made any difference.

Closing judicial proceedings to the public and press has been an issue recently in Missoula. Harkin said the only time a judicial proceeding should be closed is when a person's constitutional right, such as the right to a fair trial or the right of privacy, will be violated if it is kept open. The burden of proving that a right will be violated would be on the person requesting the closure, he said.

Pinsoneault said "no trial should ever be closed." Some pre-trial proceedings, suppression of evidence hearings, for example, may be closed to protect a defendant, he said, but there are other ways that rights can be guaranteed. He cited changing the location of the trial as an alternative to closure, but added that such an alternative adds to the cost of the trial.

Both men said they would take a special interests in family problems, such as divorce and child custody, that come before the court.

Harkin, himself divorced and remarried, said a judge has to look out for the interests of the children. Their problems are often forgotten and a judge must remember them, not only in deciding custody, but in following up after the case has been decided, he said.

Pinsoneault, too, sees himself as an advocate for children in divorce and custody cases. The final decision as to who gets the child should be based upon the

recommendations of experts, he said, but the judge has the final decision.

To help deal with the heavy workload of the District Court, Harkin has proposed that a system of deadlines be set up allowing attorneys a set amount of time to present arguments or briefs.

Criminal law already has deadlines, Harkin said. For example, a misdemeanor must be tried in 60 days or it is thrown out. Something like that could be set up for civil law as well, he said. "There should be a specific reason why a case is not heard," he said.

To "chip away" at the backlog of cases, Harkin has proposed enlisting qualified area lawyers as temporary judges. State law allows a district to appoint lawyers as temporary judges on civil cases if both parties to the case agree, he said.

Pinsoneault said he would like to work closely with the other judges, possibly taking some of their cases in the backlog when he begins, before he has built up a backlog of his own. He also proposed that the judges call more terms and hear more cases than they do now. This would have to be done on a systematic basis so that no one judge falls behind, he said.



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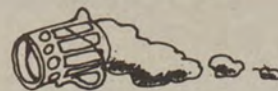
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