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Interviewees: Mary Van Buskirk and Roger Barber

Interviewer: Erin Cunniff

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Erin Cunniff: This is Erin Cunniff with the Montana Feminist History Project on August 28 in Havre, Montana interviewing Roger Barber and Mary Van Buskirk. So you both were involved in helping with the Constitutional Convention and I wanted to know how you got started in women's issues.

Roger Barber: This is Roger. I could talk about the Montana Constitutional Convention. I graduated from Law School in 1971. That was the year that Montana was preparing for the Convention. I decided that I wanted to work the Convention. I didn't interview for any jobs. I basically went after the research jobs that were available at the Convention and I got hired, and was on the preparatory staff for about six months working on a taxation article. Then we were hired by the Convention.

I was interested in the Convention for lots of reasons, one because it was historic. Montana was rewriting its constitution. Probably one of the most prominent and knowledgeable voices in Montana about constitution reform was a woman named Margery Brown from Missoula. I had gotten to know her family a couple of years before when I worked in the newspaper in Libby. I just really was impressed with Margery. She was brilliant. She's very articulate. She's very funny. She and her husband...

Mary Van Buskirk: She had this wonderful deep voice.

RB: She had a great deep voice. She and her husband started the Bigfork Summer Theater in Flathead. I really liked her. She's just a really great person. Really important. They taught here in Havre. She was one of the reasons I was really interested in working at the Convention. Obviously the article I worked on didn't have to do with feminism, but the Convention itself was a great experience. I just wanted to be part of it because of its history because most states don't rewrite their constitutions. I didn't think I'd ever see that opportunity again. It's a great constitution.

As it worked out, the Convention itself was a wonderful experience. Women were very important to the Convention. Mary and I actually talked about this a couple of nights ago, women's equality, AAUW. I overestimated the number. I think there were about 18 women delegates, which at the time was incredible. Mary had been an intern at the Montana Legislature the year before and there were two women. There was one woman in the Montana Senate and the Montana House. Dorothy Bradley was in the House.

There were two women that had been elected to that legislative body just the year before. I think there were at least 18 women who were elected as delegates. Many of them had leadership positions in the Convention. They became vice...We know there were at least 18 women who were elected as delegates, Erin. They were selected for leadership positions almost immediately. One of the vice presidents—Dorothy Eck from Bozeman—you need to talk to her. She's got a great history of Montana.

The secretary of the Convention, the Convention wasn't totally non-sexist, but the secretary of the Convention, some of the Chairs and Vice Chairs of the copying committees were women. I think the way that women were most persuasive is they, some of them came with specific ideas about what they wanted. The state Equal Rights is an example of that. The study that was done for the Convention on the Bill of Rights article was very extensive and very exhaustive. But it didn't contain a lot about the equal rights.

At that time, the federal campaign including the federal RA and the federal constitution was going on and Montana had not ratified yet. They ratified in Washington D.C I think. So Montana hadn't ratified the federal constitution, but a woman delegate from Great Falls who was on the Bill of Rights Committee drafted a provision to include equal rights into the state constitution. Virginia Bloom is her name. Virginia had been active in the League of Women Voters all of her life and was very interested in making sure that there was a provision in the state constitution. It passed without, very little discussion. The women delegates were very supportive of it and really wasn't controversial at all.

Mary's mother was a delegate from the Havre area. Maybe you could talk a little bit about that. I just found this out this summer. This is the 30th anniversary of the Constitutional Convention. Mary and I were driving back from the celebration they had and I found out that Mary was the one who talked her mother into joining for the Convention. Her mother had been an active League Member for years in Montana.

The League of Women Voters was probably the most prominent service group and political group in Montana in support of the Convention. Edith knew a lot about it. Mary called her as a student at the University of Montana and called her mom and said, "Mom you ought to run." Her mother was very modest and she said, "Oh I couldn't do that." So Mary drove home from Missoula and spent a weekend talking to her mom and convinced Edith to apply as a delegate. She ran and was elected. Right as her campaign manager.

You should talk a little bit about your mom. I can talk about your mom. Edith was the daughter of Italian immigrants. They came to Montana from Italy. They lived in Havre. Edith grew up in Havre. Italian was her first language. English was her second language. She was the oldest daughter. She wasn't a typical Italian woman. Her parents very much wanted her to go to school. So she went to school at Northern. She worked for the railroad when she graduated from high school.

MVB: What's interesting is she grew up in an area that's called Little Italy here in town. To go to school meant that she walked from Little Italy, on Second Avenue and we'll take you over there. Second Street all the way up to Northern. That was all seasons all times and made classes and was also working at the time. She had some of her first assignments from the railroad, very remote locations in eastern Montana acting as the operator agent in these remote locations, which was very typical. I think my mom was the first woman railroad agent who served in that capacity.

EC: Was that common for women to be going to college at that time or working on the railroad in general?

MVB: I don't think so because so much of the Havre population I think was very traditional. I think what's outstanding about my mother is I'm sure she was raised to be a very traditional Italian woman. Despite that upbringing, where she should be looking for a good Italian boy, she continued to pursue her education interests and did work. To be working at remote locations in eastern Montana, I think was very atypical for many of the women there.

RB: She married late in life. Wasn't she 28 when she got married?

MVB: 27.

RB: That would be considered old at that time.

MVB: During the War she was working in the Havre ticket office for the Great Northern Railroad. She met my dad because my dad had recently been discharged from the Army. This was right after World War II. Was trying to talk to my mother and introduce himself and was asking questions about her job and was trying to be polite because she was working at the ticket office. My mother finally asked him and interrupted him and said, basically asking him, "What are your intentions?" Thinking that he was going to bump her because he would have had continuing seniority because he had also worked at the railroad. My dad assured her that they were honorable.

RB: He was also a veteran. I think he was perfectly content about being married. That's probably not fair to say. She had beautiful clothes. She loved to dress very professionally. She loved her job and I think she would have been very content to work. She was the oldest Italian daughter. No one else in the family could get married until she was married off. That was the rule. She had a brother who very much wanted to get married. He was kind of waiting for Edith.

MVB: They were married exactly two weeks after my parents.

RB: Mary's parents got married. So finally Uncle Frank could get married because Edith was holding up the line.

MVB: I think it was their way to make sure that all the daughters got married. There was some incentive for all the brothers to find appropriate mates so that they could get married. My grandmother was probably the first... I ever met. My grandmother was a very large Italian woman who was physically very strong, very bright, active as an interpreter for many of the other Italian families in Little Italy. So I believe that my mother came honestly by her devotion to learning because I think it was very much something that was important to my grandma as well. We called her Nana. Her name was Modietta Bonavita(?). My mom's name is Edith.

RB: Edith became a traditional housewife but she was a greatly involved volunteer too. Her interest in the Women Voters was part of that. In fact, Edith was happiest going off to the meeting, getting dressed up, putting on those professional clothes and going off to a meeting. I think she was active. You could probably name all of the things that she did. She started Welcome Wagon in Havre. She started the Boy Scout and the Girl Scout troops. She started Community Concert in Havre.

MVB: She was one of the original founding members of Community Concert.

RB: She was very active in League of Women Voters. She was very active in Catholic organizations. She was a very devout Catholic. Public service was a really important part of her life in being a volunteer and being part of the community. I think that's where the interest in the Constitutional Convention came from is kind of a natural outgrowth of all the work she had done for years in the Havre area. She knew quite a bit about it because of the leagues involved. They had studied the Convention for years and studied Convention for years. So she knew quite a bit about it.

MVB: So many of the league women had known one another as well. Toni Haegner(?), who you'll be talking to I hope tomorrow, was a great friend of my mom's. They went to St. Louis to one of the big League of Women Voters Conventions together and would travel extensively. So they always had great fun. During the Constitutional Convention, Toni came for a visit and stayed with my mom. I assume Toni was lobbying at the time for local government and their concerns for the Constitutional Convention. I began as a student at the University of Montana in political science.

They asked who was interested in being an intern for the upcoming legislative session. Four of us were chosen, two for the House and two for the Senate. Fifty percent of us were women. I was assigned to the House where I first met Dorothy Bradley. I was assigned on the Republican side and Dorothy, of course, was a very strong Democrat who was sitting at the office inside. We were the only two women sitting on the floor other than the page for the legislature.

RB: This was in 1971.

MVB: '71. So when the Constitutional Convention became a reality, I thought of all the people who should be running and I was thinking of my mother because of her devotion to the

community. So she ran in a four county area, Liberty, Hill, Judith Basin, Choteau. She and a woman by the name of Rachel Mansfield were the two women of the four delegates. The other was Carmen Sklari from Chester, Montana.

RB: At that time, Montana had multiple member districts. Now the state is broken into districts and they elect a representative of each district then the Senate district. At that time, they had multiple member districts. At that time, four people represented big county areas.

MVB: I thought it was remarkable because the legislature certainly reflect the influence of women the way the Constitutional Convention had.

EC: I've heard stories from Pat.

MVB: Constitutional Convention or the legislature?

EC: The legislature.

MVB: Probably one of Pat's biggest complaints was where the women's restroom is.

EC: I did hear that story.

MVB: Many of the women were frantic as they began to begin the long journey to the...

RB: That was a problem at the Convention because they had never had so many women in the deliberative body, the state capitol before. Suddenly the Convention had almost 20 delegates who were women.

EC: It's kind of ironic that something like building structure could be a...

RB: That's exactly right.

MVB: It was all that was necessary for the times. I was also thinking about the staff during the Constitutional Convention. The researches that Roger talked a little bit about included women. There were also legislative interns that came from the university system I presume at that time from MSU as well as the University of Montana. Many of the young interns were given assignments, research assignments, but probably the researchers were key to developing many of the issues that became reality in the final document. So that was also important.

EC: So now, your mother was a delegate for the Constitutional Convention?

MVB: They were elected in November.

RB: November of 1971.

MVB: Immediately then the Convention efforts began because it was going to be shake-and-bake. There were no existing committees. No long standing committees that they could draw on. So they began meeting.

RB: They had an organizational meeting right after Thanksgiving in 1971 and organized themselves. They made some rather, at the time they would be considered stunning decisions. They seated themselves alphabetically, rather than by party. The Democrats did. There were more Democrats than Republicans elected. They decided to seat themselves alphabetically because they wanted to break down the nonpartisanship as much as possible.

MVB: It was a unicameral house acting as the Constitutional Convention.

RB: If they had planned a Democrat Chair for the committee, then a Republican was appointed Vice Chair. The Democrats, they also agreed that the Democrats would not hold all of the Chair positions. So they appointed some Republicans as Chair and then a Democrat would be Vice Chair. I was on the committee where the Chair was a Republican. They did act in a partisan way by electing a Democrat as a President.

Then they kind of voted on party lines to do that. They immediately decided that the two Vice Presidents would be split. That there would be a Democratic Vice President and a Republican Vice President. After that, they kind of didn't care anymore. They filled the other offices just by who they thought would be best. They really tried to make efforts to break down the idea of party politics and approach the constitution as a people's document because that's what it needed to be.

MVB: My dad believes that the reason it became so unusual and atypical to what politics had been in Montana is because of the sheer volume of women delegates. My dad believes, although probably not his daughter's joy in this belief, but my dad believes that the more women you have in government, the more likely it will reflect the community. He believes that they're embedded with a kernel of knowledge, a good guide (unintelligible) about the issues. He believes fundamentally that they will make the right decision. My dad attributes much of the atypical approach, non-political very much directed towards, we're going to write a document that will be good for Montana basically because of the women.

RB: Mary talked about the researchers here and the researchers were young people that had been hired by the preparatory commission basically to compare the research documents for the Convention. They were all assigned to a particular area of constitutional law or constitutional theories. So it was a legislative researcher in the traditional branch, researcher in the executive branch, researcher Bill of Rights, local government, education, taxation. The interesting thing was that they were all very young. They were fresh out of undergraduate or graduate school.

MVB: Out of the Sixties.

RB: They had that Sixties and Seventies mentality. They were all activists. They had all been seared by the Vietnam War. They all very much believed in environmental movement. A lot of them had been in the streets demonstrating about something. They were hired to work on this document. They kind of carried that activist attitude forward. The research documents are considered some of the finest discussions of constitutional theory in the United States. It has been hailed as one of those model documents about what state constitutions should be like.

Because they all were, they spent like six months putting them together, researching different things about the constitution. I told the delegates in June at their 30th anniversary that mine was actually pretty easy. A constitution shouldn't say anything about taxation. So the government is pretty much free to do whatever it wants in the area. So I spent six months figuring out ways to get the constitution to do nothing, basically they had my committee do nothing for months. So I wrote a 500 page treatise on "don't do this, don't do that." This is why others were a lot more persuasive.

MVB: I think that fervor of the researchers is reflected in the document. Unlike many of the other Constitutional Conventions that were either going on at the same time, before or after, but in that timeframe were not successful. Montana was a very hopeful document. It believed very much in participation in open government, in a strong constitutional provision for individual dignity, strong environment.

RB: It has some provisions that are just almost unheard of, environmental provisions. Montana's constitution is just remarkable. It's public right to know provisions in addition to, a lot of these provisions are just unheard of. The interesting thing about the Convention I think was that the researchers were all kind of adopted differently by their committees. So some committees embraced the researchers and embraced the work that they did.

MVB: They pulled up a chair.

RB: It's somewhat reflective, I think that in the final document in that article. Other researchers were...

MVB: Held at a distance.

RB: Yes I don't know if they were shunned, but they were held at some distance.

MVB: I was thinking of the judiciary.

RB: The judiciary is a good example of it. That particular researcher was a wonderful woman in law who had a great research document about what should be in a constitution. Her

committee, especially the leadership, didn't want anything to change. So basically, they spent a lot of time just ignoring what she had done and hanging on to a lot of bad stuff.

MVB: Sandra Michelson was the one woman in law school when Roger was in law school. So for five classes she was the only woman.

RB: I think that would be another great person to talk to is Emily Lorn. She's a wonderful labor attorney. She has a whole other perspective on women and labor unions. Anyway, the women had a great impact on the Constitutional Convention.

MVB: I think you're following my dad's theory.

RB: Just because they were remarkable women.

EC: What was the reaction to having so many women there among the politicians themselves and the community?

RB: I think that the women themselves took care of each other and they were very supportive of each other. That's certainly true of your mother. They spent a lot of time together at night. They spent a lot of time talking about issues and supporting each other on the floor.

MVB: I was thinking even during their Conventions when they get together annually. The women look for one another as past friends.

RB: There also were a lot of really thoughtful progressive men as delegates who were very supportive of women. A lot of them went on to become state leaders and political leaders, very supportive of women's issues. It was an environment where the women obviously, because there were so many of them, felt comfortable speaking up and felt supported by their own gender. I think there were lots of good men there who were quite accepting and willing to having women have that kind of voice.

MVB: I also think that because there were so many things going on at the time that were different. It was so atypical of how business was usually conducted in Montana politics that it was just one of the aberrations. Because of the volume of women, they were taken seriously, which was I'm sure a welcome for women. But you can see it in the document, their influence.

RB: I think an example, for instance, many of the women were prepared for the Convention even without the work of the preparatory commission. Many of them were League of Women Voters, members who had worked on this issue for years, Daphne Bugbee from Missoula, Dorothy Eck from Bozeman, Arlene Reichert from Great Falls, Michelle Spear from Missoula, your mom from Havre. They knew constitutional issues before they even got there so that when they stood up on the floor and talked about different things, they really didn't need those books that the researchers had put together. They already had a credibility of their own.

MVB: Probably each of them had also read those books as well. That the league training was one where they would methodically study an issue. They would develop position papers on the issue. They would then discuss the issue. Then finally, either at the state or national level, they would make some decisions about these issues. Many of the league members had already studied, had sifted through all of the minutia and had come to some conclusions based upon their study, their discussions, and their refinement of what they expected with this document.

RB: The league was really the voice in Montana that kind of led the campaign to call for a Constitutional Convention. The voters of Montana had...went to a referendum basically and voted to call on the Constitutional Convention. The League was the group that was the forefront of that. I mentioned Margery Brown earlier. She was considered the great historian of constitutions of Montana and she was a spokesperson for the League. When they talked to people about why a Constitutional Convention was important, what it could do for the state...

MVB: She had such intellect.

RB: ...contemporary constitution could change its government, change it's state. She was so brilliant, just a great deep, rich voice. She had a commanding presence when she talked. In fact, the Supreme Court decided that anybody who served on the preparatory commission couldn't run at the Constitutional Convention delegate. That was a great tragedy because Margery would have been a natural leader in the Convention. She was probably the most knowledgeable person in Montana about state constitution. She decided it was more important to get ready for that Convention so she served on the...

MVB: To get it in place.

RB: It was more important to be ready for it, to do it right. So she stepped back and...

MVB: I think that's important because there were many women who were given some attention, some aura because they were the delegates. But I think of all the women who made it possible for that Convention to actually take place and purposely took a back seat just to ensure the success of the Convention.

EC: What sort of opposition was present there towards either the women being there or the progressive topics?

MVB: I think it was just the built in resistance to change. Many of the folks who came and lobbied came and spoke eloquently about their issues were resistant to change. What people were being asked to do is a leap of faith. This document and many of the provisions were untested. They were perhaps more hopeful than tested, which resulted in the judiciary committee just relying on the status quo and not being prepared to take that leap of doing something differently.

RB: I think a lot of people thought that the Constitutional Convention would just tweak the old document. Just clean up things a little bit here, maybe straighten things out a little bit here. They really did not think that this group of people would propose a whole new document. I think there were probably some delegates who went to Helena with that idea also and kind of got swept up in the idea for change. I think a lot of people were shocked that a whole new document was proposed. There were some delegates who proposed the final document. They worked against its ratification, not a lot, but a handful who decided that the Convention had gone too far. That literally we should stick with what we have with the old constitution because the we had just done- the delegates had done too much. They had gone way past their mandate.

MVB: Some of the researchers got together and they were talking about this. It seemed like the winds of change were just completely overcoming any resistance. It seemed very positive and great ideas were being talked about and discussed and actually put together as formal proposals to the articles. It seemed like the delegates at one point hit a brick wall. They just were not prepared to continue with this leap of faith and the unknown. It was probably the young researchers who began to speak out and begin to more or less protest the direction that they thought this document would end up. So they did some political rallying of the troops.

RB: Four of us (unintelligible) television to complain about what the Convention was doing, that it lost its will.

MVB: It lost its direction.

RB: It wasn't a smart thing to do because we were their employees.

[End of Side A]

[Side B]

MVB: But you had asked what resistance there was, built in resistance perhaps to the document. I think that the delegates were constantly being reminded that what they were doing was not the status quo, was not a simple tucking or tweaking of a document that we had relied upon for 100 years.

RB: There were delegates who came there with (unintelligible) hang on to what we had. The executive branch article, for instance, the study document suggested that most executive branch offices should be appointed. The best kind of state government was where you elected three or four of your most important state officials and the remainder were appointed. Why do we elect the state auditor? Why do we elect the clerk of the Supreme Court? Why do we elect a state treasurer? Why don't we appoint experts in the area. So the executive branch committee is kind of unraveling. They dealt with that issue and probably because people wanted to hang on to that power to vote, that power to select.

MVB: Not to mention the folks who had been elected. They were looking forward to being re-elected.

RB: The same thing happened at the judiciary. There were a lot of attorneys who kind of wanted to leave the court system the way it was. They knew how to work with it. They knew how to get the job done. They didn't want to change it. They were quite content to leave the judiciary alone. One of the big discussions of the Convention is should you elect your judges or should you appoint them? The federal system has an appointed judiciary. The theory is that if they're appointed and have some guarantee of job security then they can look at legal issues without worrying about a political fallout. If you're elected, you always are looking over your shoulder wondering what are they going to do if you come down with a controversial decision. It may be correct legally but not politically popular. We had that problem in Montana. When judges run for Montana, what do they talk about? Anything? They can't talk about anything. They shouldn't tell you what their issues are because they shouldn't have an issue. They should look at the law and interpret the law and be impartial. They shouldn't approach it with preconceived notions.

MVB: She asked about the resistance here at the built in (unintelligible) all of the elected officials who were now being potentially appointed, who may or may not be appointed, but could be.

RB: The lawyers who kind of liked to (unintelligible). Though there were many lawyers who were delegates and they were ready for change. They were arguing for change. The old constitution had lots of provisions that protected the mining industries in Montana.

EC: Was there a good old boy resistance?

RB: There was that. There were entrenched businesses. The old constitutions had a lot of provisions that were basically special interest provisions. Obviously people didn't want those changed. One of the most controversial things in my area of taxation was that my committee proposed that all property be appraised by the state so that there was equality in the evaluation of property. The old system, every county had an appraiser. So literally you could own property in two counties and in one county, it would appraised one way. In another county it would be appraised another way. It's value that for taxation purposes and the old taxes were very different.

MVB: Because this person is elected. They wouldn't know which way the political winds were blowing.

RB: They were also elected in the county. It was a county government position. My committee proposed that the state take over the job of appraising all of real property in Montana so that all property is appraised the same and therefore valued the same. That was very controversial. Governments hated that. It still is the law in Montana, but it's one thing that they tried to amend out at least once, maybe twice because county government claims they've lost control. What they've lost is favoritism. Basically it's special interests who oppose the constitution. People or groups saw they were losing some advantage. I think that's true of any political policy or document.

MVB: I think that what was so unusual is that there was a built in resistance group in Montana because of the changes being proposed. So that when the delegates went out into their home districts and began to preach and sing the praises of this new document, they were also hit again with the built in resistance. These would have been most of the elected officials of the county or the city. At public gatherings, there was already a built in group that knew that it was not the direction to go.

RB: The constitution was barely approved. Something like 51 to 49%.

MVB: I'm pleased though that Eastern Montana supported it so well.

RB: One of the first challenges to the vote was that not a majority of citizens had approved it, a majority of those who wrote it approved. It wasn't a majority of the Montana citizens. So opposition tried to have the vote thrown out. It immediately went to a court challenge. The Montana Supreme Court eventually ruled that no, a majority of those who voted had approved. If you didn't vote, too bad. You could have. That's the way the system works. It was a very close vote. It was sort of a cliffhanging. Early morning, the results came in.

MVB: But it was the duty of all of the delegates to go out. That was the pact that had been made at the close of the Convention. Although, many of us had differences from time to time, our job now is to go sell the document. What they tried to develop, I think was a document that would play well in Montana.

RB: Edith's county carried the constitution.

EC: Women were pretty active in making this document and paved the way, specifically what were the benefits for women themselves in the document? The Equal Rights Amendment...

MVB: The human rights provision was very unusual. It was for all ages of women in Montana. Those under the age majority also have rights, constitutional rights. So upon birth, those little kids over there that happen to be young girls have the same constitutional status as their little brothers. Probably I think that was the most dramatic of a change.

RB: I think it's extraordinary because at the same time Montana said that's important, it was being debated at the federal level. It was being questioned at the federal level and eventually defeated at the federal level that women did not have constitutional status. Montana did it without a blink. Its so much a fabric now. People just assume. A lot of people would be shocked to know that that's the deal in Montana because they're just so used to living in a state where that's true.

MVB: The early political history in Montana as far as the right to vote is concerned, is probably more interesting to me now after I've seen the women who had the benefit of the vote, actually participate and to be such compelling figures during the Convention. The state of Montana did ratify the women's right to vote (unintelligible) prior to the federal constitutional provision passing. Many of the women voted for the first time a year before the right to vote passed on the federal level.

In Montana, they decided that election day should be Monday, thinking that perhaps the women wouldn't show up because it was wash day. I think what's so interesting and I think it's just part of the historical fabric of women in this state is that they showed up and in good numbers. I'm thinking about the young woman who was waiting on us for our dinner tonight and how probably her notion of the history of these women is very short. She would figure that of course we all voted, of course we've always had full political participation, to find out that women started serving on juries in 1939 or 1940 in this city. Our political and social involvement as citizens has been very (unintelligible).

RB: One of the wonderful moments of the Convention was when Jeanette Rankin (unintelligible) in addition to the regular deliberations and the political process they also had special events. They brought in a series of speakers to address the Convention and obviously anybody who wanted to come. Charles Lindbergh was one of the speakers. John Gardiner, who was head of Common Cause. Jeanette Rankin was one of the invited guests. She was quite old.

There's this great picture of Jeanette being escorted down the Montana House, the center aisle. She was very active in a peace movement at that time. So much of what she talked about at the Convention was the need for world peace. This is obviously what she was known for in

the United States legislature. It was a great moment. I can't remember if it was before or after the Convention had voted for an equal rights amendment. But it was a pretty powerful moment for the Convention to have a great historic woman to talk.

She was kind of drug down the aisle by Daphne Bugbee who's this big charge ahead woman. She reminds me of Auntie Maime. That's how she kind of is. She's just a big forceful, flamboyant, gregarious and sometimes mindless person. She was just dragging poor little, limping Jeanette down the aisle. It was a powerful moment.

MVB: During the Convention I helped my mom as a researcher, but I was also working for the Great Falls Tribune. One of the pleasures I had was to attend a little luncheon with Jeanette and sit next to her at the Convention. I was too afraid to even ask for her autograph. I was in such awe of this woman. I just sat there. She was probably a very high moment for many of the young women. I'm sure for many men too.

It was a time of celebration. She and her brother Rankin Wellington would charge around Montana helping with the Votes for Women campaign. Many of the local museums up and down the high line, I don't know how far east you want to go tomorrow have wonderful pictures of Jeanette and her brother. She would stand up on this little Model-T, deliver her addresses, because basically no women could vote. So she would always be addressing these huge crowds. She was dressed as many of the women of the day with long sleeved gloves and hat.

Now in our state capitol, one of the main figures is a statue of Jeanette Rankin. It was a very powerful moment. Many of the women delegates, of course, had to go back home and advocate, speak, visit. There was no meeting too small for the delegates to go to and sing the praises of the document.

RB: Back to your question here, I think the most significant thing for women is that they received constitutional status. That probably is our highest. Mary and I were very involved in the political rights and the campaign. That was a significant accomplishment because it occurred at a time when the federal government was still struggling with that issue. Still struggling with the issue today. It's part of the fabric, part of the quilt of Montana.

MVB: Also the document said that all citizens of the state are entitled to an education.

RB: The document itself is gender neutral.

MVB: It talks about how everybody is entitled to a healthy environment. Rather than using some of the traditional phrases we talk about how all men are created equal, this document put into effect that basic rights section for women. It addressed everyone as a citizen, as people. We were all entitled to these fundamental rights.

EC: I think that's interesting because at that time, the education was really kind of biased in universities and stuff, wasn't it?

MVB: I think it still is.

EC: Now it's underlying.

MVB: We're a little bit more sophisticated now that with our differentiation. For the state of Montana to come out with broad statements that applied to all citizens was very important. Many of those broad statements are still relied upon. You're going to see some major litigation coming down the pipe because (unintelligible).

RB: Don't know what they mean.

EC: Was there a community reaction to this document? I mean, you're talking about the delegates having to sell it in the individual communities, were people just in awe of this or were they unaware of it?

MVB: I think the Constitutional Convention was followed by many of the local papers, particularly the large state papers. I think investigative journalism is still alive and well in Montana. I think many of the articles were very thoughtful. There was no want of information concerning the issues. As the vote date got closer and closer, I think people began with some urgency to start weeding parts apart. They had to make some decisions. Not just yes or no on the document. They had to make some internal decisions. Do we want a unicameral House, bicameral House? Do we want gambling? No gambling.

RB: They did separate out some... when the Convention presented the document, they did separate out some issues so the people could frame some parts of it. Gambling was one of them. Montana wanted to legalize gambling. I think the death penalty was an issue because Montana wanted to permit the death penalty or outlaw the death penalty. Because of the interest of the League of Women Voters, a delegate from Great Falls Arlene Reichert, they also discussed a unicameral versus a bicameral legislature.

MVB: But you talk about your built-in interest group. There were all these legislators that they were afraid that there won't be the usual crowd down there of legislators. Instead a limited group of people might be actually elected.

RB: I actually think the campaign was typical of most political campaigns. There was lots of misinformation. There were lots of untruths. The delegates and the pro-Convention people really did kind of take the high road. They were selling theories and ideas. They were asking people to act on faith. The opposition could attack that by pulling a lot of misinformation. It was very much like the campaign against the federal equal rights amendment. People were in favor

of the federal ERA were kind of talking about principles, ideas, standards. They were basically untested.

You were asking people to, in some way, proceed on faith. To try a world that would be different. Obviously the people were against the...people just threw rocks. This means the destruction of the American family as we know. This means that rape laws will be thrown out because they're gender specific. This means that homosexuality will be legalized. People will be using the same bathroom. Women can be drafted in the military.

They just threw rocks at the idea. It's easy then to destroy an idea when you're using scare tactics rather than talking. Especially when you're talking about, you're asking people to think about a principle. Maybe that principle hasn't been tried. What's going to happen? I think the same thing happened at the Convention. We were asking people to accept a rather sweeping document with lots of changes in it. We don't know what it means for sure, but we think it's better than what we've got. Then you've got all of the people who can poke holes at it.

That's what happened in the campaign. Obviously the reaction varied in the community. A lot of it depended on the strength of the delegates, how they were perceived in their own community, were they respected in their own community? Were they articulate? Were they able to explain the constitution and what it was about?

MVB: I think a lot of it did come from the credibility of the delegates.

RB: Also, did they believe in the document? Because even though they had this pact with each other that they would sell the document, some of them actually did not. Some of them came out in opposition to the document. I think the way the Convention ratification proceeded really depended on the delegates themselves.

MVB: I think for many of the delegates to be in such large districts, I don't know if you've been to Liberty, Choteau, (unintelligible), Hill County. They're huge agricultural areas. Very isolated.

RB: It would be hard to have a conversation about the constitution.

MVB: There were many little conversations. The thing in the Bible, it says that wherever more than two have gathered. My thought was that after the Constitutional Convention when they had to get out and sell the document, no more did people worry about only two gathering. They were happy to come and speak and urge people to vote for the Convention. The other thing is that my mother took copious notes. Probably because my mother was such a student of things, she would take notes throughout the day, whether she was in the committee, whether it was the full discussion on the floor.

She would go home and review her notes, review them with her studying materials, and get them prepared for the next day. What we hope to do is to donate all my mother's notes and all

of her various parts, all of her memorabilia that she picked up during the Convention to the Historical Society so it's available then for the researchers to use.

RB: In fact the Montana Historical Society already has a project gathered, delegate material on the Convention. I think they have donations from, what is it, 12 to 15 delegates so far? Their personal papers. They're trying to get more so they have this collection for research material.

MVB: To my knowledge, no one took the notes my mother did.

EC: You should make copies of those and put them in our archives.

MVB: Oh you guys have one too?

EC: Well we're archiving all of this stuff in the University library as an ongoing project. Any information that you want to donate. So is there anything else that you want to talk about with the Convention wise?

RB: I don't think so.

MVB: I think that because of the energies that resulted in this new document, for some years, Montana enjoyed a certain euphoria. I think legislation was proposed that perhaps never would have been considered, just to implement some of the provisions. I think it was probably one of the most interesting times in Montana history just because of the excitement of all the ideas and the direction that some of those ideas took the legislation. I see it as being a very positive time.

RB: I think one interesting thing that has happened is that in the late Seventies, early Eighties, there were lots of attempts to amend the constitution, to change some of its provisions. That stopped. People really aren't trying to change the basic fabric of the constitution. They are adding a lot of junk to it, though. I always vote against them, just because of my research experience I guess. I kind of want to keep it a simple, basic document.

We are adding a lot of stuff to the constitution that really should be a matter of legislation so it can be reviewed and changed periodically. The basic fabric of the constitution really hasn't been changed for about ten years. There were efforts to do that. It's kind of stopped. The document is being left alone except for these little trinkets that they're adding.

EC: Did it take a while for the first applications of the...

RB: Actually that's still going on. There are still provisions in the constitutions that are being interpreted and haven't been, being tested, that haven't been finely determined. The whole idea to access of the press is still being- I work for the Montana University System. The Montana University System is being sued right now because it conducts some of its meetings in

a closed session. The press especially feels that violates the open meeting law in Montana. There are still lots of provisions that are being tested.

MVB: Just the very notion of an open public government means that these old systems of having closed caucuses for the political parties on- I was thinking about all the legislation that was developed. Just implement the state equal rights amendment. All statutes for review then changed accordingly. So there was a great upheaval of change that just followed the Constitutional Convention.

Now when our Supreme Court tries to figure out what the delegates meant by certain language that might be in the document, they have to look back and see what the delegates thought that language meant. I hear many of these voices now speaking again almost from the grave about their hopes, their ambitions, and their dreams. I think it's a document that will continue to kind of live, but thank God for all these wonderful delegates because their intentions hopefully, when the Court interprets the language, will be given...

RB: The provision on the clean and healthful environment, that never really has been tested. It's never really been invoked by the Montana city court. I don't think that the equal rights provision has really been challenged. We've never really had a case where that idea was confronted, have we?

MVB: We've had some. It seems to me that the Supreme Court has stepped around the issue. I think that probably that in the interpretation of the document, you're going to have some even more revolutionary law come down the pipe.

RB: Part of it might be because the state did radically change its laws so they were gender neutral. I don't think the court has really ever been asked to...

MVB: What it has been, it's affirmed the equal rights amendment with the legislation has founded to be constitutional. The insurance industry had some difficulty with the fact that we would not use gender as one of the ways that we rate for purposes of charging policy. That completely busted open many of the traditional...

RB: Montana's kind of unique in that way, that insurance companies can't use gender as a way to determine insurance rates. Admittedly, it means that women pay more for some kind of insurance in Montana than they do in others, but they also pay less for some kinds of insurance than in other states. The same is true for men. They pay more for certain kinds of insurance.

MVB: Gender is an over-broad classification.

RB: Gender can not be used as a criteria to set insurance rates. Insurance companies hated that because they've used it for years. In fact, some insurance companies pulled out of Montana because Montana won't permit that.

EC: Isn't that passed federally also?

RB: I don't think so.

EC: I was discussing that with Pat. She said something about unisex. The insurance, one of the arguments that somebody made was that the constitution is supposed to be gender neutral. So if the constitution is supporting, say insurance companies that are, in essence, it's not supporting gender equality. That was one of the arguments federally. It might have been passed and then amended.

MVB: Well what's so strange about our federal status is that we don't have constitutional (unintelligible). Unless they subjected to what's kind of a modified, strict scrutiny, unless the state or the federal government can show their compelling reason, it will not sustain itself. It is in constitutional status so it's not black and white. There are certain factors that can be considered. Based upon this balancing test, they make a decision. The state of Montana it's absolute. There are no distinctions made on the basis of sex. It's like race, color, creed on the federal level.

RB: The federal government basically picks and chooses. It says that gender discrimination is acceptable sometimes, other times it's not. In Montana, it's settled. You can't use a person's gender to make law of any kind.

EC: Looking back in retrospect, is there anything that you think that should have been done differently?

MVB: I think they could have done much more. The sky was the limit just because of the times. I think the practical considerations were given more ways than the possibilities. I think in 100,000 different ways, things could have been improved. What I do celebrate, though, is the fact that so many women were such a force for the Convention.

RB: I guess I'm more pragmatic. It's a political process. So I guess I didn't expect it to be perfect. The fact that they got the document they did is remarkable because it is a remarkable constitution in lots of ways. I guess I expected it to (unintelligible) human failure. There was. I think women made it better, but some of the women delegates weren't perfect. One woman delegate worked against its ratification.

MVB: Despite what my dad believes, there were men who were very strong and very supportive of the notions of women participating with the delegates with an equal basis and made it possible that they were taken seriously. So when we celebrate feminism in the Constitutional Convention, we think male / female.

[End of Interview]