

A New Angle
MTPR Episode 37
Sarah Vowell and Brad Tyer

Justin Angle This is A New Angle, a show about cool people doing awesome things in and around Montana. I'm your host, Justin Angle. This show is supported by First Security Bank, Blackfoot Communications and the University of Montana College of Business.

Hey folks, welcome back and thanks for tuning in. Today, I speak with Sarah Vowell and Brad Tyer. Sarah is a bestselling author, journalist and doer of many awesome things, and Brad is an editor at Montana Free Press and the manager of The NEWSROOM. These two have teamed up to produce some amazing content to celebrate the 50th anniversary of the Montana State Constitution and to explore some of the wonderful stories behind its creation.

Sarah Vowell And there something about some of these delegates where I mean, obviously none of them had ever written a constitution before, but they just took the ball and ran with it.

Justin Angle On March 22nd, the day of the actual signing by the delegates. Sarah and Brad's Montana's Free Press colleague, John Adams, will moderate a panel event at MSU commemorating the anniversary. Sarah Brad, thanks for coming on the show today.

Sarah Vowell You bet. Thank you. Yeah.

Justin Angle So tell us where you grew up and what did your parents do? Sarah, we'll start with you.

Sarah Vowell I was born in Oklahoma, and when I was 11, my family moved to Bozeman, where I graduated from high school. My dad was a gunsmith in Oklahoma and a machinist at

MSU here in Bozeman. My mom went to hairdressing school and was a hairdresser. And let's just say that's reflected in my appearance, since no one can see me.

Justin Angle Brad, how about you?

Brad Tyer Yeah, I was. I was born in a little college town called Bryan, Texas, when my dad was a graduate student at Texas A&M but don't have any memories. From there I was raised pretty exclusively in Houston, Texas. My dad was a civil engineer, a wastewater engineer, and my mother was. Yes, they call a homemaker, although she had a series of jobs and went to work in the insurance industry. A little later on. So I didn't get any of the homemaking or the or the engineering genes.

Justin Angle Sure. Well, so we are here today to talk about this amazing document: The Montana State Constitution. We're celebrating the 50th anniversary. You two are engaged in an extensive project to document its history. Set the stage for us. How did you get interested in the Montana state constitution, Sarah? Kick it off.

Sarah Vowell Well, any Montanan lives in the Montana of the 1972 Constitution. Every single day, 50 years ago, 100 Montanans, some of them attorneys and former mayors and City Council members, others were homemakers and lawyers and car dealers and tractor dealers, and there was a beekeeper, they were elected by their neighbors to write a new constitution to replace the old one from statehood. That was the brainchild of William Clark in the Copper Kings, and they set out to write a new document that was more for the people and to create good government and to do so. It was a pretty public spirited, collaborative nonpartizan process in a way that I find inspiring.

Justin Angle Sure. And we'll get into a lot of those aspects. But but before we start, Brad, tell us how you got interested in the document.

Brad Tyer You know, I got interested in the document kind of sideways. Long before Sarah called and asked Montana Free Press to be involved in this project. One of the reasons I moved to Montana, there were a lot of reasons, but one of the reasons that I moved to Montana is I had gotten into canoeing in Texas, and I don't know if you do any river running, but Texas is not the place to do it. Texas's property is like ninety seven percent of the state is private property, so it's about as different from Montana as you could imagine. And stream access laws were an issue where you can get it, where you can get out, what you can do in a river. And as I got into canoeing in Texas, around Houston, I got interested in stream access laws and that bumped me into the Montana Constitution.

So I heard about it even before I moved to Montana. You know, started hearing about this one of the most progressive constitutions in the country. You often hear people talk about Montana as and and one of the keystones, at least on the environmental front and on the recreational front as well, is a very liberal stream access law. So that kind of sparked my interest, got a little more interested in the early 2010s, researched and wrote a book called Opportunity, Montana that is too complicated to summarize, probably, but really brought up the issue in the Montana Constitution of the right to a clean and healthful environment, which is a notable notable provision of that document. And then, of course, more recently, Sarah brainstorms this project and asked Montana Free Press to be involved and really excited for the opportunity to work with Sarah. So that drew me.

Sarah Vowell I will add that more recently, and I think it was 2019, there was a court case from Montana, Espinosa versus the State of Montana, that went to the United States Supreme Court. And it was about the clause in the Montana Constitution education article barring public money going to private religious schools. And the surviving delegates all wrote an amicus brief for that Supreme Court case and sort of like laid out the history of the convention and what they were trying to do and their democratic impulses and their resistance to any public money going to any religious purposes. And when they did that, and I read that it's a great amicus brief if you're into amicus briefs, I just became painfully aware that we're we're about to lose all

these people and they are sticking up for what they did and it's going to be up to the rest of us to carry that on when they're all gone.

Justin Angle Yeah, let's talk about how that came to be. So. You mentioned William Clark, the prior constitution sort of conceived through, you know, the copper bosses of a sort. Set the stage for why 1972? Why did things come together and why was there this need to develop a new document to guide the state?

Sarah Vowell Well, there are a lot of reasons for that. I would say one of the main proponents for a new constitution who really got it through was were the League of Women Voters of Montana. Because they would go to the Auld Legislature and it was a completely closed system. The lobbyists for the Anaconda Company, or Montana Power, would just sit up in the in the balcony of the Legislature, and they would give thumbs up and thumbs down of how the legislators should vote on things. The meetings were secret, and so it was really those women led by both men, women who eventually became a delegate to the convention named Dorothy Eck. But that group in general, they were the ones who were really pushing for a new open government.

Brad Tyer Certainly what Sarah said is true, but I think one of the other big pushes was environmental concerns, which were really rising national profile in the early 70s. And some of the delegates that came out of Missoula, who were also affiliated with the League of Women Voters, may not listen primarily. There was a lot of activism coming out of Missoula, specifically, a lot of it around what was later called the Smurfit Stone Plant in Missoula. A lot of focus on air pollution.

Justin Angle And so let's talk about some of the unique characters involved. Sarah, you kind of gave a summary of some of these unique folks. I think when most people not familiar with this story think of a constitutional convention, they think of our founding fathers in this group of sort of aristocratic men who already kind of traveled in that ruling circle. This was not that this

was ordinary folks that came together and did something really interesting. So how did this? How did the structure of the conference kind of come to pass?

Sarah Vowell Part of that was from the Montanans Supreme Court because they ruled that sitting legislators couldn't run to be delegates. So that kind of opened it up for anyone to run in, especially women and young people. May Maignan, then Robin Robinson, now Ellingson, said she was a student at the University of Montana. There were people like Arlene Reichert in Great Falls. Young people, women. There was a beekeeper. A lot of farmers and ranchers. And so that was part of it. They weren't politicians looking out for reelection. They just wanted to write a good new constitution for their neighbors and for the future. So that like kind of depoliticize things quite a bit. That and the actual seating chart of the convention. They decided to seat themselves alphabetically as like, you know, in the Legislature, the Democrats sit on one side and the Republicans on the other, the delegates. They didn't do that. They sat alphabetically and kind of party politics after the first couple of days didn't really play into any of the decisions.

Justin Angle And how did those kind of ethics of the group coalesce?

Sarah Vowell Pressure? I mean, Max Baucus, who we'll all remember now is our longest serving senator and the ambassador to China, was a staffer at the convention and eventually the executive director. And he put a lot of emphasis on the time and money constraints. They had about a half million dollars and 60 days to do it, so there wasn't a lot of time for shenanigans.

Justin Angle And so you've mentioned some of the folks that are surviving from that convention and this sort of the desire to preserve their stories. Brad, to start with you. Why an oral history? Why was this the appropriate way to document this event and the genesis of the Constitution?

Sarah Vowell The Constitution is contentious, currently. I Think our interest Montana's free press's interest and involvement really helped rely on the idea that, you know, we didn't want to put an editorial thumb on. This is what we make of this history. You know, we didn't want to didn't want to ask leading questions. We wanted to document what the experience was like through the eyes of the people who experienced it, which is not usually the journalistic approach that we're a little more comfortable with. But I thought it was entirely appropriate. Here we have this resource. It's a dwindling resource. You know, there's not a lot of the delegates we're surviving are still alive when we started. So we we had all the opportunity. We want to write about the Constitution and the various battles over it and what it means and how it's how it's evolved. The opportunity that was presented here was to get to re-experience it through the people who were there.

Sarah Vowell An oral history has very strict rules and the main one being to ask neutral questions, don't ask leading questions. I mean, another pressure we put upon ourselves, there are there have been other oral histories that were done and they're very valuable, but a lot of them would be really hard to read If you're a sophomore at MSU Billings and maybe you don't know everything about gubernatorial administrations of the 1970s. So, one of our goals and like Brad, was really helpful for this is, we we wrote our questions as a committee to try and ask the most, purest, most neutral questions, but also to insert some exposition into those questions. So if you're a college student or just, you know, some guy in Roundup who wants to watch our interviews, that you would have all the necessary information to understand the answer to those questions. So it's we set out to be really user friendly and so that any citizen can understand this. And also future citizens and future students and current students as well. So I mean, we we I mean, all of that, of course, goes out the window when you're interviewing a rascally elderly person. But we really set out to do to be, you know, as fair and have just to have a light footprint as interviewers. This project, it's basically about saving the books before the library burns down.

Justin Angle Yeah, that's well put. So, Sarah, I'm sure as part of this oral history, some amazing stories from the delegates emerge. So what are some of your favorite stories?

Sarah Vowell I mean, it depends on which side of me you're asking if you're asking the entertainer side of me, like, I love the moment when Gary Lindorff, who is one of the delegates, he's talking about the ratification effort and the delegates had to go out and sell the constitution they had written to the people of Montana. And Jerry Lindorff tells Eric Dietrich from Montana's Free Press, "so I had seen the Kennedy Nixon debates and Leo Graybill and I", Graybill was the president of the convention, "we were going to debate some guys on the Great Falls TV station, and I told Leo, We're going to wear makeup and we did." And I just love imagining this moment in 1972, Montana, where there's like these two gruff attorneys are like putting on their makeup to sell the constitution they wrote.

In terms of like my wonky side, things are more contentious politically now in Montana, and there are all these hot-button issues. And you know, one of the things I love in this project is just explaining the basics of how some of these parts of the constitution that have become controversial came to be. One of them that probably no one even thinks about now is single member districts. And before the Constitution, the elections were just county wide. And so that had consequences, certainly in the Legislature. Like, a couple of people talk about how a city like Laurel in Yellowstone County never had any representation in the Legislature because they are in the county with Billings and Billings elected everybody, and not just Billings the north side of Billings. So single member districts met Laurel could have a senator, have a representative, but that also affected why there were no American Indian delegates to the convention because same reason, single member districts in those huge counties where maybe there's a reservation, but they're not the majority of the people.

So wherever there was a population concentration, those people had representation. Nobody else did. And so it's something as simple that we take for granted now as a single member district made it possible for all these smaller cities, as well as the Indian reservations to get

ready to get some representation in the Legislature. That's not a big emotional story that's going to cause a Twitter war, but it has incredibly real ramifications for everyone in Montana, and it happened in that constitution.

Justin Angle We'll be back to our conversation with Sarah Val and Brad Tyer after this short break.

Welcome back to New Angle. I'm speaking with Sarah Vowell and Brad Tyer about the 50th anniversary of the Montana State Constitution. So Brad, at the onset, you mentioned your interest in kind of access to public waterways as a unique aspect that is kind of codified in in the Montana Constitution? Or are there other aspects of the document that help add to its distinctiveness that stand out to you?

Brad Tyer Well, I think the big one that that kind of intersects the work that we do at Montana Free Press and all the other news organizations in the state is is the right to know provision to the open government provision. You hear about those when you you hear about a media company suing over that constitutional provision. We think we should have had access to this meeting. But it's not, the provision is not right to journalistic access or to media access. It's it's the right to any citizen to have access to the workings of government, to have access to those meetings, to have access to elected officials doing the people's business. And that was a big step forward for the Montana Constitution over the prior Montana Constitution. It's being legislated in its details ever since.

Sarah Vowell I mean, interestingly, we have tape from our project, from both Wade to Hood, who was the chairman of the Bill Rights Committee, and Chuck Johnson, the Dean of Montana and politics, who covered that convention for The Associated Press as a young U Of M student. And even though the press benefits from the right to know as much as anyone, they almost blew it because the press and especially the Billings Gazette and the broadcasters, the newspaper association all opposed that part of the bill of rights because of the right to privacy.

And they they almost they almost blew everything over that and they had they had to have like negotiations over this where, you know, the press had to come to terms with the inherent contradiction between the right to know and the right to privacy. And it's that tension that is constantly being argued over and fought for. But the press almost like ruined it for everyone, as they often do. Because no one had lived in Montana, where everyone was allowed to go to all the meetings and read all the documents.

Justin Angle Yeah. So let's talk a little bit about the event that's coming up on March 22nd at Montana State University. You've pulled together an amazing panel for discussion of all things Montana State Constitution set the stage. Who's on the panel? Why did you choose these folks and what can we expect?

Sarah Vowell That event, which is on March 22nd at MSU, that's the actual 50th anniversary of the day that the delegates signed the Constitution. We're going to be showing a highlight reel of some of these oral history interviews that we've done with the delegates and that will eventually be archived at MSU Library. And then we have a panel where we'll have Mae Nan Ellington, who heads the aforementioned youngest delegate. She'll be there as well as Chuck Johnson, who covered the convention, and Max Baucus, who worked for the convention. And but we didn't want it to just be about the Constitution as history, wanting to kind of pivot to talk about the the state that the Constitution created. And so we also have former governor Mark Roscoe, who's been making a lot of headlines lately. Yeah. I'm calling this phase of his career, Roscoe Unchained. And then we also have Denise Juneau, who was the former superintendent of public instruction. And she's going to talk about the history of the how the Indian education for all part of the Montanans Constitution got implemented. So we're going to pivot into, you know, the recent past in that and the future of the Constitution itself to not just talk about the actual convention, to think about it as a living document.

Justin Angle Let's, in our remaining time, talk a little bit about that. You mentioned Mark Rasco and, you know, sort of the public remarks he's been making recently condemning the level of

polarization and that that's sort of the coarseness of our current discourse. I mean, you can't help but draw a stark contrast between the spirit with which the Montana's state constitution was constructed and the spirit with which our current politics are conducted. So, you know, what are your thoughts and reflections on the moment we're living through and what maybe some of our leaders and citizens can learn from these these delegates in their amazing work?

Brad Tyer That's a really interesting question, and Sarah has heard me push back in the course of our conversations on the idea that the convention was some sort of nonpartisan love fest. It's hard to find evidence that it wasn't, because there was obviously a lot of really overt public spiritedness going on in that. But at the same time, the anniversary of when the Constitution was signed is one thing, of course, that didn't make it the Constitution until it went out to voters and voters approved it. Voters approved it by a very thin margin. It was hardly unanimity among the people who chose the Constitution, which is ultimately Montana's voters. I was always looking for conflict, and we didn't find a whole lot of conflict there—

Sarah Vowell I would say, Brad, they they argued, but they didn't bicker. That's how that was the categorization that came out. There was a there was a lot of heated argument, but there wasn't a bunch of, you know, petulant, childish bickering.

Brad Tyer And you don't see a lot of evidence that that either side was eager to identify the other side is, as, you know, demonic, evil or enemy. It is a living document. You know, people think of the United States Constitution and you think of this monolithic, inviolate document, Montana constitution is not like that. It's it's the youngest U.S. constitution, you know 1972 was not that long ago. It's got its own baked in provisions for changing it. You know, the idea is not that it's an inviolate document, it's that it's a document that is subject to revision by the people who are subject to it. And they vote every is it every 20 years?

Sarah Vowell [00:06:27] Mm-Hmm. Yes.

Brad Tyer [00:06:29] Every 20 years. So the past two votes to call a new constitutional convention, which would spark a rewriting of the Constitution, had failed. In 1990 and 2010, there were failed votes. There will be another one in 2030.

Sarah Vowell [00:06:44] If that's successful at a new convention is called, I think this project that we've we've created would be a good resource for those delegates, but also for the people like what to seek out, how to decide who to vote for in terms of who do you want representing you as your delegate?

Justin Angle [00:07:03] So in our remaining moments here, I just love to touch on, you know, the two of you seem to have some shared journalism upbringing of a saw like you've worked for all weeklies. Sara, you've described it to me as kind of a punk rock sensibility with your approach to storytelling. Talk about that. How has that informed your work overall and maybe the spirit with which you brought the spirit you brought to this project?

Sarah Vowell [00:07:28] I do think, like for me, I don't know about Brad, but we we both were music critics for the all weeklies in the 90s. That punk approach probably has given me an appreciation for and matures with something to say. To me, there was something kind of punk about the delegate to the convention because like those punk bands were just people who couldn't play guitars, picked up guitars. So you never sang before is suddenly Johnny Rotten, you know? And there are something about some of these delegates where, I mean, obviously none of them had ever written a constitution before, but they just took the ball and ran with it. I think it was Tim Burton from Sonic Youth. He always said, you know, people will pay money to see someone believe in themselves and that there is something about these delegates where, you know, they just decided to believe in themselves, like, I think I can do this, and then they convince their neighbors to vote for them.

Brad Tyer [00:08:29] That's that's one thing that really impressed me. So I mentioned earlier, we interviewed some of the researchers, and I have a little bit of a back office sensibility, not

not a front man sensibility, I guess I'm based in this analogy, really loved talking to those folks. Their job was to do the research. I mean, they they they were kind of inventing the wheel. They they maybe they weren't reinventing it. But this idea that they just start from scratch and wrote a guidebook to how to build a constitution. These are called the college kids, and as as many punks in full flower are, and just jumped right into this project that I can only imagine, I would have considered overwhelming and completely beyond me. I mean, even now, never mind when I was 19 or 20. I think there's an alignment there with the idea of, you know, getting up on a stage when you don't have any credentialing that you know what you're doing. But to step up to the moment and take advantage of it. That's the thing about really all the delegates we spoke to and and and those researchers especially grabbed my attention.

Sarah Vowell [00:09:30] I mean, the staff and the delegates they represented, not just Montana, but all the Montana's like there's the car dealer, tractor dealer, farmer, rancher, part of Montana as well, represented among the delegates, the researchers. I mean, having grown up in Bozeman in the 80s, it was a very high minded town. And so I really and it was all the high minded kids from all over Montana like show up and, you know, they're all taking philosophy classes and. And I read most of the books that those researchers wrote, and they're just if you like pretentious young people, they are a delight because these guys, you know, they're from Libby and Shelby and they're quoting Borges and they're talking about the Enlightenment. And it really took me back to the Montana of my youth. Everybody came together and brought all the Montanans to Helena.

Justin Angle [00:10:28] Fantastic, well, there's so many remarkable stories sort of set within this amazing story. Amazing event coming up on March 22nd. In addition, the oral history will be released. Tell us where you know if listeners want to learn more about the event and the oral history project, where would you direct them online?

Sarah Vowell [00:10:45] Probably Montana Free Press, which is montanafreepress.org, as well as our partner MSU. And this event, which is March 22nd at Sub Ballroom A in the student

union building at MSU that will be live streamed. So anyone in Montana or Mongolia can watch that program that night online, and I think it'll be recorded. So if you miss it, you can watch it later.

Justin Angle [00:11:13] Super well, it is promised to be an exciting event. Thank you both for being here today. Thank you both for this project, for commemorating this amazing story and doing this great service to the state of Montana. Next, being here today.

Sarah Vowell [00:11:25] Thanks, Justin.

Brad Tyer [00:11:26] I really appreciate it. Thanks.

Justin Angle [00:11:38] Thanks for listening to A New Angle. We really appreciate it. And we're coming to you from Studio 49, a generous gift from University of Montana alums Michelle and Loren Hansen. A New Angle is presented by first security bank Blackfoot Communications and the University of Montana College of Business, with additional support from consolidated electrical distributors, Drum Coffee and Montana Public Radio. AJ Williams is our producer, VTO, Jeff Amentt and John Wicks made our music. Editing by Nick Mott and Jeff Meese is our master of all things sound. Thanks a lot. See you next time.