



around the area

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A mixture of philosophies

By DAVID T. EARLEY
Gazette Staff Writer

Perhaps the chief virtue of Montana's new (proposed) constitution is that it is a mixture of liberal and conservative philosophies, says Leo Graybill Jr., retired Constitutional Convention president.

And this is good because the people of the state are "mixed" in this fashion, the 47-year-old Great Falls lawyer adds. And so, "if we can interest people in it the chances are good that the constitution will be accepted in June."

Graybill visited Billings this week to wrap-up Con Con business — namely, the problem of printing and sending to the electorate 380,000 copies of the proposed document — and told The Gazette why he feels the new constitution is such an inseparable mixture of philosophies, to match the people whose lives it will guide, politically.

"ACTUALLY, IT'S probably about 60 per cent liberal." But the majorities and minorities—liberals and conservative voting groups—shifted about so, says Graybill, that it would be impossible to differentiate "liberal" or "conservative" sections on the basis of who



Leo Graybill Jr.

voted for them. This is doubly true for any attempt to classify the result as the work of a political party.

The Con Con president disagrees flatly with statements made in Billings by two returning Democratic delegates this past week that the new constitution is a Democratic Party document.

"No it is not. It is bipartisan. I don't think partisanship entered into it at all."

At least 60 per cent of the delegates were unrecognizable by party, says Graybill, and for others such as himself who had previous political "identities" the matter of party designation was unimportant.

CONTRASTING WITH the usual legislative session, during which about 40 per cent of the legislators formulate and handle the bills while the rest "follow," says Graybill, Con Con participation was about 95 per cent, and the lines shifted on the issues more than on basic philosophies, and far more than on party lines.

He cites Billings delegate Jean Bowman as an example of interplay of people and issues at the convention. He is basically a liberal, says Graybill, and sometimes found himself voting that position, against Mrs. Bowman. The next day, however, would find their

positions reversed and frequently they'd be allied on the same cause, says the ex-president.

AS FOR STRENGTHS and weaknesses in the new document, Graybill feels the legislative changes may be the most important: annual sessions, elimination of closed committee meetings, and the requirements of recorded votes and single-member election districts.

He disagrees with, and terms "absurd," the long-ballot for executive branch officers. "There isn't any reason to elect seven or eight state officers . . . three or four would be enough."

Putting the state auditor on the land board, too, is "silly." No two persons will agree, he predicts, on the virtues and liabilities of the new document, but he feels that the majority will conclude that the former outweigh the latter.

He began to suspect this, Graybill concludes, when he noticed that both the "far-left" and "far-right" delegates were joined in opposition to various sections—this suggested to him that the document would be about right for the people of Montana.

State studies air, water of coal fields

HELENA, Mont. (AP)—Montana's environmental science's division, with an eye on plans for extensive development of eastern Montana coal fields, is stepping up the evaluation of the environment there.

A number of monitoring stations are being moved to Colstrip from areas where observations have already been completed, including some stations from Butte and Anaconda, according to Ben Wake, administrator of the division.

The Montana Power Co. has been conducting meteorological studies in the Colstrip area in anticipation of putting in a 350,000 kilowatt coal-fired generating plant by 1975. A second plant, of similar capacity, would be erected if a joint venture with Puget Sound Light & Power Co. is successfully negotiated.

A Pennsylvania coal firm, Westmoreland Coal Co., has announced it has acquired rights to an estimated billion tons of coal in eastern Montana and has indicated plans for developing coal gasification facilities are already being made.

Wake said environmental testing will include sampling

air, vegetation, soil, solid wastes and possibly animals. The division, he said, will try to determine what the present condition of the environment is. This will enable them to later measure the effects of the new development.

A full-time water pollution representative of the state office is presently headquartered in Billings. Wake said he is considering adding an air-pollution officer as well.

He said his division has already been working closely with Montana Power Co. "I think we're on top of it. The cooperation has been good. I think we're doing a reasonable job of evaluating," he said.

The North Central Power Study has envisioned eastern Montana as the location of 21 coal-fired electric plants of at least one million kilowatts each.

Presently, the state's largest coal-fired plant is the 180,000 kilowatt J.E. Corette plant in Billings.

A report prepared for the state environmental quality council warns that the result of this development would be "enormous amounts" of pollution.

Scientist dispels wilderness myths

MISSOULA UPI)—The Forest Service says a recent study pokes holes in several myths about wilderness areas.

The study was done by George Stankey, Forest Service research social scientist at the University of Montana.

Among the myths given wide currency but which lacks factual basis, according to Stankey, is that only the wretched take advantage of wilderness areas.

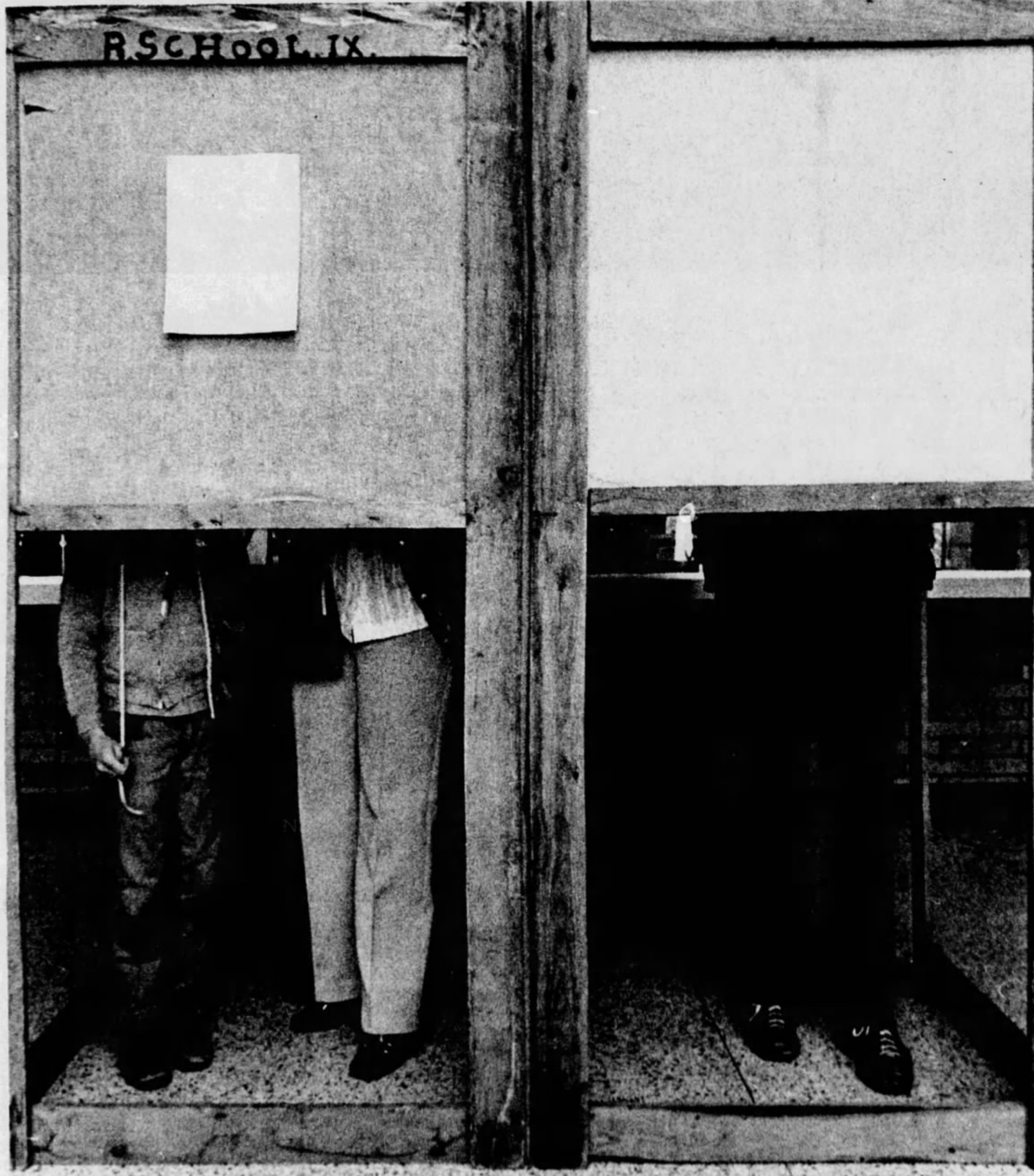
He says his study also shows that the belief wilderness is in-

compatible with multiple use land management also lacks foundation in fact.

And Stankey says his study shows the cost of wilderness area maintenance is less than that of developed areas.

Responding to charges a disproportionate share of forest land will be locked up as wilderness land, he says only one-half of one per cent of the nation's land is in wilderness status.

And that figure won't ever go past, according to Stankey, the three per cent mark.



Election shenanigan

An unidentified schoolchild pulled some strings as his mother voted in the poll booth at West High School Saturday at Billings. The

school board election was one of many throughout the state.

Gazette photo by Phil Bell

Snow study may ease Columbia Basin floods

By STEVE LOWELL
Associated Press Writer

A team of experts is sizing up the massive snowpacks in Idaho, Washington, Oregon, Western Montana and bits of four other neighboring states with an eye toward trying to ward off damages by more floods this spring.

"The snowpack is greater than normal," an Army Corps of Engineers spokesman said. "Therefore it presents a greater than normal flood threat."

Burglars blamed for Falls fire

GREAT FALLS (AP)—A Great Falls fire chief said arson by burglars is the apparent

Chief's trial set Monday

GLASGOW (AP)—Former Harlem Chief of Police Floyd A. Frey, charged in a federal court action with the violation of a man's civil rights, has a Monday morning trial date in Glasgow.

The case had been shifted to the Havre-Glasgow division from the Billings division of federal court on a petition by Frey. The case had originally been set for trial in Billings on Sept. 20, 1971.

The indictment, filed in November of 1969, charged Frey with firing a gun which wounded Donald T. Cole, depriving him of his civil rights without due process.

The team was sent out on Operation Foresight by the North Pacific Division of the corps to examine potential flood threat areas and plan preventive and protective projects.

In general, the survey takes in the far-reaching Columbia Basin — from the source of the Columbia in south-eastern British Columbia to the headwaters of its main tributary, the Snake, in Wyoming just south of Yellowstone Park. Bits of Utah, Nevada and North-

ern California also are included, as is northwestern Washington, which drains into Puget Sound or directly into the Pacific.

"Record or near record streamflows are forecast for the state of Washington during the 1972 runoff period," the federal Soil Conservation Service said.

"Flows are anticipated to reach volumes which were only exceeded one or two times, in most cases, in the history of the river gauging periods," the SCS said. "The flow at The Dalles, Ore., is forecast to be exceeded only by the giant flows which occurred in 1894."

"The snowpacks are well above normal, with only one drainage in the total state of Washington indicating normal snowpacks," the agency said. "The range of snow cover is from normal on the Colville River to a high of 166 per cent greater than normal on the Nisqually."

The range of snow cover for the Upper Columbia Basin in Washington varied from 26 per cent greater than normal on the Kettle River to 110 per cent on the Wenatchee River, the agency said, and the range on the Lower Columbia range from 85 per cent above normal on the Lewis River to 98 per cent above normal on the Klickitat.

The Puget Sound drainage varied from 63 per cent above normal on the Green River to the top mark of the Nisqually, it said, and on the Olympic Peninsula, the range was 36-54 per cent above normal.

Slides and floods destroyed or damaged homes in many places in Washington, and some miraculous escapes were reported.

The Soil Conservation Service said that in Oregon "28 snow courses established new maximum amounts of water content for March 1," with the heaviest accumulations in the Grande Ronde and Umatilla basins and along the crest of Oregon's Cascade Range.

As for the Canadian headwaters of the Columbia, "runoff during the March to September period is expected to be above average but less than the heavy 1967 runoff," the British Columbia Snow Survey Bulletin for March 1 said.

The Canadian report said a "near record spring and summer volume runoff is expected" for the East and West Kootenay districts. The Kootenay, a major tributary, makes a loop down through northwestern Montana and northeastern Idaho, changing its name to Kootenai along the way, before re-entering Canada again to empty into the Columbia.

In Western Montana, the Corps of Engineers was to visit Plains, St. Regis, Superior and Missoula on the Clark Fork and Deer Lodge near its headwaters; Kalispell, close to the

upper reaches of the Flathead River; Lincoln, near the headwaters of the Blackfoot, Hamilton, far up the Bitterroot, and Libby on the Kootenai.

They also were to visit Bonners Ferry, on the Kootenai in Idaho; Sandpoint, Idaho, where Lake Pend Oreille empties into the Pend Oreille River, a tributary of the Columbia, and St. Maries, Idaho, on the St. Joe River.

A spokesman for the Corps who returned to Seattle the past week after several days on the tour, said streams in the Ellensburg and Yakima areas of central Washington were "pretty high—flooding already."

Last week President Nixon declared part of Washington a major disaster area. That cleared the way for use of federal funds to repair facilities damaged by floods in February and March in Pierce County, parts of Thurston and King counties and small parts of Kitsap and Mason counties.

About the same time, Washington Gov. Dan Evans said Pacific and Wahkiakum counties were eligible for disaster unemployment assistance for persons out of work because of severe flooding in January.

As the weather warms and more of the heavy snowpacks melt faster and faster, the team sent out by the Corps of Engineers has been contacting local officials and reviewing their emergency flood plans. It also has been checking on what's needed in the way of emergency repairs of flood protection works and additional protective facilities.

It's an annual race, a Corps spokesman said, but this year the race could be closer.

HELENA (AP)—The chairman of the Montana Railroad and Public Service Commission, Ernest Steel, said Friday that a statement made by Rep. Dick Shoup, R-Mont., concerning freight rates was untrue.

Shoup said Wednesday it costs more to ship an item from the east coast to Montana by rail than it does to ship the same item by rail to Portland, Ore.

Steel said, "There are no figures that will support that statement." He said he could not provide actual figures, however. Shoup provided no figures with his statement.

Steel also disagreed with Shoup over the method of rail charges. He said Shoup's statement that "rates aren't fixed according to mileage" was also false. He said the rate basis would change, "but the only way you can talk about rates is on a mileage basis."

Hardin man killed when car hits bridge

HARDIN (AP)—A 24-year-old man was killed Friday when his car slammed a bridge abutment south of Hardin.

Dead is John Harold White of the Crow Agency. Highway Patrolman Lawrence Eckhardt said White's car struck the north abutment of Two Leggin's bridge on Highway 313, seven

miles south of Hardin, shortly before 10 p.m.

White apparently had lost control of the vehicle, there were no other passengers in the car, the patrolman said. The death brings to 49 the number of lives lost on Montana roads this year, eight more than on this date last year.

Delegates dispute environment rule

Editor's Note: This is the eighth in a series to explain how some changes approved at the Montana Constitutional Convention may affect Montana citizens if the document is approved June 6.

By CHARLES S. JOHNSON
HELENA (AP)—The environment has its niche in the proposed constitution, but convention delegates disagreed vehemently over how effective the provisions will be.

To C. B. McNeil, R-Polson, they constitute the strongest environmental protection statement found in any state constitution. He was principal author of the subsections.

To others, they are only window dressing to a pressing problem. These delegates, led by Louise Cross, D-Glendive, battled futilely for what they considered provisions with more teeth in them.

Much will depend on the legislature, which is directed to pass laws to enforce the constitutional statements.

"Probably the most important part is the affirmative duty of everyone in the state of Montana, including the state, individuals and corporations, to improve our environment," McNeil said. "No other state constitution has such a provision."

The section says: "The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations."

Critics in the convention question how effective this provision will be, but McNeil defended it.

"It's mandatory in the constitution," he said, adding that the two other subsections require legislation to flesh out the skeletal constitutional statements.

"This means if the legislature doesn't do it, you can vote the scoundrels out," he said.

The second subsection directs the legislature to provide for the administration and enforcement of the duty.

This lawmakers could back up with a tough right-to-sue law to allow citizens to sue polluters and government agencies not enforcing the environmental duty.

Or they could enact a weak, token provision, which also apparently would meet the constitutional mandate.

The third subsection also is contingent on legislative action.

It says: "The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

McNeil said this provision directs the legislature "to make sure whatever we have now is

not going to be degraded." How will these provisions affect the Montana family that likes to camp, boat and fish on the weekends and is concerned about the environment?

It all hinges on the legislature.

But McNeil said the first subsection places an affirmative duty on each citizen to clean up the environment.

But like other constitutional goals and directives, the environmental section will be of little value without the legislation to back it up.

McNeil also said the section sets a tone for the proposed constitution, which goes before the public June 6.

"It's especially important when you consider that most delegates came here with the idea of streamlining the old constitution, but they believed the environment so important they added a new provision," he said.

Mrs. Cross and others failed in trying to declare the environment a public trust.

Under the doctrine, the environment would have been a public trust held by the state for its citizens and managed by the legislature.

The beneficiary, the public, would have had the right to sue the state if the legislature and state agencies did not protect the environment adequately.

Convention opponents termed the public trust doctrine "socialistic" and "anarchistic."

The environmental article also includes a section on reclamation.

It says lands disturbed by the extraction of natural resources must be reclaimed, but does not specify to what extent.

Concerned about possible strip mining damages in coal-rich eastern Montana, the Natural Resources and Agriculture Committee had recommended that reclaimed lands be restored to as good as a condition or use as prior to the disturbance. The move, however, failed.

Another section recognizes all existing water rights for any useful or beneficial purposes.

McNeil, an attorney, said the convention action will not affect any present water laws.

Also included in the article is a section directing the legislature to provide for the acquisition, administration, restoration and preservation of ghost towns and other scenic, historic, recreational and cultural sites.

Delegates also paid homage to the state's largest industry—agriculture—by retaining the Department of Agriculture in the constitution. They also directed the legislature to appropriate funds "to protect, enhance and develop all agriculture."

Special levies on livestock and agricultural products for such uses as disease and predator control also are allowed.

Next: Public Health, Welfare, Labor and Industry.

PSC chief says Shoup is wrong

HELENA (AP)—The chairman of the Montana Railroad and Public Service Commission, Ernest Steel, said Friday that a statement made by Rep. Dick Shoup, R-Mont., concerning freight rates was untrue.

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