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The Diploma Privilege

James Goetz, a lawyer and professor of government at MSU who has made somewhat of a name for himself by filing suits against the state, is at it again.

Goetz challenged state law which permits University of Montana Law School graduates to practice their profession in the state without taking the state bar exam. This same law requires out-of-state law school graduates to pass the test before they can be licensed to practice. Goetz, a Yale graduate, took his case to the Montana Supreme Court in 1970 after he failed the state examination. He subsequently took the test a second time and passed it, thereby rendering his question moot.

Now, he has two clients, James Huffman of the University of Chicago and Allen Champlin, Hastings Law School at the University of California.

And, he has bypassed the supreme court and taken the matter into federal court, alleging that the so-called diploma privilege is discriminatory and in violation of his clients' right under the 14th Amendment.

We cannot help but agree with Goetz. No doubt the law school professors and its grad-

uates can present a good case for the bar exam immunity. The reason we heard most frequently is that Montana law school graduates are versed in state law, whereas out-of-state graduates are not.

Most lawyers are well versed in where to go when they need a point of reference. That is what a great part of a legal education is all about. Any out-of-state lawyer worth his salt who wants to establish a successful practice in Montana will learn the laws of this state. To require graduates in this category to take the bar exam, while we exempt our own, is demeaning and an insult to their years of hard work.

If, in fact, Montana law school graduates are more knowledgeable let them prove it to their peers in the field of the competitive examination.

We require University of Montana pharmacy graduates to pass an examination before they are licensed. And, if we had a medical school in this state you can bet its graduates would be sweating over a lengthy examination.

The diploma privilege smacks of protectionism. We don't need it if our law school is as good as its supporters claim.



'If You Have Any Gripes—Try Hanoi'

Guest Column

Dahood Defends New Constitution

it's a long shot, but your readers deserve at least some effort on your part.

James T. Manion
1510 N. Benton

Vote YES

Editor, Independent Record:
June 6, 1972! It's the day of voting for or against the new constitution and you are there! All over Montana people are gathering at the polls. What will their decision be? To keep the 1889 constitution which only a few can read and understand? To keep the 1889 constitution so that the special interest groups that have been spending our tax dollars without needing to report to anyone can continue to do so, or to accept the new constitution that was written with an eye on the present as well as the needs of the future?

June 6, 1972! Are you there? Vote "YES" for the new constitution and provide opportunity for better government in the future.

Mrs. James Hall
2401 Third Ave. South
Great Falls, Mont.

Protection For Rural Areas

Editor, Independent Record:
A very important provision in the proposed Montana Constitution for rural Montanans is the requirement that the legislature be divided into single member districts. Single member districts and a limit on the size of the legislature will protect rural Montana's voice in the legislature.

The large multi-member districts created by the last legislature under the 1889 constitution submerged rural voters in districts dominated by urban areas. For example, Jefferson and Broadwater counties, both rural counties, were placed in a district with Lewis and Clark County (Helena) to elect six representatives.

The proposed constitution requires single member districts which would prevent rural areas like Jefferson and Broadwater counties from being grouped together in large multi-member districts with urban counties.

Fair representation in the state legislature is an important protection for rural Montana. The 1889 constitution doesn't protect rural representation — the 1972 constitution does.

Gretchen Billings
5150 N. Montana Ave.

Within the past week letters to the editor and articles have appeared in the newspapers knocking the new constitution and the Bill of Rights. I protest the manner in which this attack is presented. I do not think anyone has the right to circulate falsehoods and innuendoes during this time of public dialogue and debate on the new constitution.

I honor and respect the right of anyone to disagree and to constructively criticize. The new constitution should be subject to debate. Differences of opinion are necessary to progress in a free society.

However I cannot justify some of the complaints which I now outline.

One critic states the proposed Bill of Rights may be a step backward. This is totally absurd. All of our present rights are retained. The following are added: The right of the citizen to be heard by his government before decisions are made, the right of the citizen to see the records of governmental action and to be present at bureau and agency meetings, the right of privacy for each citizen, the right of all 18 year olds to full citizenship in Montana, a guarantee that those under age will be treated fairly when involved with the law so that they will grow up with a proper attitude toward law and order, the right of an injured workman to this legal remedy against a third-party so that the workman will be assured a safe work environment, the right of a citizen injured in person or property by the negligence of the state and its employees to compensation for his loss, the right to a clean and healthful environment and the right of a landowner when his property is condemned by the state to his expenses in defending his property right in court if he wins. An there are other new rights.

Is this a step backward? Does not the expanded declaration of rights make government more responsible to the citizen?

Another critic states that by providing the cherished American guarantee of due process to those under the age of majority this affects the issue of abortion. This is totally untrue. The proposed Bill of Rights guarantees rights to a person under age when he is considered a person. Whether an unborn child is a person, and at what state of development, is a question which the courts have debated for centuries. It is not involved with the new constitution. In fact the Bill of Rights Committee specifically refused to deal with the issue of abor-

tion in any way. This question is for the legislature.

The Bill of Rights Committee held 20 formal hearings during the convention, heard 138 witnesses, studied 46 proposals for changes and additions to the present Bill of Rights, analyzed to research study of over 400 pages on the rights which should be included in the Bill of Rights, considered the studies made by the legislative councils and examined and studied the Bill of Rights in a number of recently adopted state constitutions. After that, the Bill of Rights proposal was studied by all 100 delegates, debated at length and then adopted.

Every citizen by now has received a copy of the new constitution. All you have to do is read it and you will find you have a document that will increase public satisfaction with state government—indeed a reform that is long overdue.

There are special interests that want this people oriented constitution defeated. They have every right to work for its defeat—but only on a fair and honest basis.

I can name many of the special interest groups that want it defeated. Their statements that the delegates are creating a "straw man" composed of non-existing special interest groups has been repeated so often in

the past 10 days that I'm reminded of Shakespeare's immortal words—"me thinks thou protesteth too much."

Why don't they come out in the open? The right of dissent is a basic right of liberty.

To really be on point however the special interests are not really concerned about the Bill of Rights. This is a camouflage attack. It is the revenue and finance article that bothers them because it will allow for desperately needed tax reform, provide for a fair and just tax structure with all interests paying their fair share and allow tax relief for the individual citizen who is oppressed with a much too high tax burden to support education and government. Therefore in their mind any attack is fair if it will defeat the constitution and keep the legislature powerless to enact a realistic system of fair and just taxation because of the restrictions in our present constitution put there by the special interests that controlled Montana in 1889.

We may not have written a perfect document but we made the supreme effort to remember during each day of the convention that Montana's future was our responsibility on behalf of all the citizens of our state.

Wade J. Dahood
Box 727
Anaconda, Mont.

Torrey's Wife Missed the Pun

Editor, Independent Record:
Your spelling is poor. Torrey is named for a relative, Col. Torrey, who fought for his country under Teddy Roosevelt, not Tory the traitors during the American Revolution.

He did not deceive anyone by signing the constitution. It merely meant the work was done; and your work is not done until you reread the Bill of Rights and interpret it legally.

Once again I resent the reporting in your newspaper.

Mrs. Torrey B. Johnson
Busby, Mont.

Editorial Was Terrible

Editor, Independent Record:
One of the most reprehensible pieces of journalism that I have seen was your editorial in the May 24 issue, "The Hypocrites Surface." In view of the fact the incident referred to occurred at our association's annual convention, I must respond.

Our association was interested in hearing both sides of this issue, hence the panel arrangement and I am sure it took real courage for the three delegates to tell those present how they now feel about the proposed constitution. We should be pleased that someone has the "guts" to stand up and say that they don't like the final result of the Constitutional Convention. After all, none of the delegates had more than two days time in which to examine the completed document prior to signing. Perhaps if more time had been allowed to study and review the proposal with the general public, some of the concerns which are now surfacing would have been ironed out. I don't think affixing their signature thereto was considered to mean an unqualified endorsement of the entire document. Are you suggesting that our elected delegates are not obliged to represent the electorate who put them in office?

Our association is composed of many members and a number of them were delegates to the Con-Con, some of whom are supporting the document and some in opposition. Following the panel discussion, the association recommended that each voter inform himself thoroughly on the proposal and vote for the best interest of himself, his locality and his state.

The easy way would have been for these three, Johnson, Eskildsen and Wilson, to go along with the crowd but instead took the bold approach of alerting the people to their fears. Rather than calling them hypocrites, honest would have been a better term. This, Mr. Editor, is why we had the panel in an attempt to provide true objectivity. It is unfortunate that in your editorial columns you have not done likewise.

Mons L. Teigen,
Secretary
Montana Stockgrowers

Anti-Diversion Is Explained

Editor, Independent Record:
A story in The Independent Record by Dennis Curran, "New Constitution Touches Sacred Highway Funds" contains an implication which I think should be corrected. In listing changes in the anti-diversion amendment, he writes, "Second, highway uses of the earmarked funds would be broadened to include funding local government street projects, highway safety enforcement, driver education and tourist promotion."

This statement leaves the impression that no highway user revenue is going to cities and counties, or to tourist promotion. Cities are receiving \$1,800,000 annually from gasoline taxes. Also \$600,000 annually of highway revenue goes to state tourist promotion.

Although "many may feel that the highway department thumbs its nose at the legislature," the legislature always has exercised control over the highway department through the biennial budget. The legislature may adopt, reject or change the highway department's financial expenditures. It seems to me that is quite an important control over the highway program.

If the constitutional convention felt earmarking of specific taxes is a bad policy, why wasn't it consistent? In Article XII of the revised constitution, the right to make special levies on livestock for disease control, predator control, research, and promotion was extended to allow levies on agriculture products.

The argument that present levels of highway spending may not be needed is as full of holes as a wheel of Swiss cheese. The Montana highway system is 40 per cent deficient right now, only 5 per cent of the primary system comes up to current standards and 3,180 miles of the secondary system is un-paved.

Montana's economy and employment have received a series of setbacks recently. Bobtailing the highway program won't help employment or attract industry, that's for sure.

Albert Erickson
1507 Broadway

No Dummies

Editor, Independent Record:
Do the delegates of the convention think that the people of Montana are so "dum-dum" to vote for a constitution part bad and part good? The bad is really bad—like letting the legislature tell us what to do. I'm not afraid to bet it will go down the drain.

Dr. H. Johnson
23 S. Hoback

Independent Record

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Established in Helena
Dec. 17, 1865

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Alke Voelter — Executive Editor
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Letters to the Editor

Torrey Answers

Editor, Independent Record:
In reference to your editorial on May 24, I wish to ask you if this is your definition of responsible and enlightening reporting? It is defamation of character of three men without knowledge on your part and so I slap your face with my clean white glove.

Are you really ignorant of the facts concerning the signing of the constitution? Or am I? I know of nothing that says the delegates are obligated to support wholeheartedly without criticism everything contained therein. Signing the document only meant we had completed our hasty work and would present it to the people of Montana in that form for their consideration.

There is so much unclear phraseology with hidden meanings that continued study keeps revealing, that I can't for the life of me see how 100 delegates could have let it happen. The only answer is haste.

How about checking Sections 3 and 15 of Article 2 and finding clauses that could prohibit legalized abortion? How about a "Right to Work" in the new constitution? Check Section 4 of Article 2. These and many, many others throughout the document will cause litigation and law cases unfathomable.

Under the circumstances I can only say that I'm sorry that I didn't start an immediate opposition campaign the minute we adjourned. I feel that I have done my state a disservice because I didn't and I hope my fellow delegates who are presenting only the "good" parts have convinced themselves they are doing right for the State of Montana.

I do wish to make clear that I do not have any ill feeling toward any of my fellow delegates—even the ones who have called me all kinds of names publicly and in the newspapers. I've always respected each and everyone's judgement—though I haven't always agreed and I understand the emotional stress they are under. Hoping you are the same.

Torrey B. Johnson
Busby, Mont.

Poor Sports Page

Editor, Independent Record:
Wouldn't it be interesting to see how many more alcohol advertisements, theater billings and television schedules you could squeeze onto your "Sports Page."

You should go out and solicit one or two more advertisements, thereby making it possible to place the whole section completely out of its misery.

Let's get with it, and maybe, just maybe, you can convert the worst sports page in the state to one of the best. I know



Blessed Are the Peace Makers...