

1 IN THE SUPREME COURT OF THE STATE OF MONTANA

2 Section 93-8911, NO. 12309 of Montana, 1947,

3 provides that the attorney general of the state is to

4 THE STATE OF MONTANA, ex rel. WILLIAM F. CASHMORE, M.D.
and STANLEY C. BURGER,

5 which a statute, ordinance or franchise is alleged to be
6 unconstitutional. Relators,

7 -vs-

8 FORREST H. ANDERSON, as Governor of the state of Montana,

9 Respondent.

10 branch of the government of the state of Montana to bring

11 the efficacy of an administrative act of the Governor

12 the head of APPLICATION FOR LEAVE TO INTERVENE administrative

13 act being required by law, and as designated counsel (a)

14 TO: THE HONORABLE JAMES T. HARRISON, CHIEF JUSTICE OF
THE SUPREME COURT OF THE STATE OF MONTANA:

15 state of Montana.

16 COMES NOW, ROBERT L. WOODAHL, the duly elected,
17 qualified and acting Attorney General for the state of
18 Montana, and moves this Court for leave to intervene as an
19 additional respondent in the above-entitled matter and for
20 grounds thereof alleges:

21 I.

22 The above proceeding was commenced by the relators for
23 a declaratory judgment to determine the validity of the
24 Constitution which was submitted to the voters of Montana
at an election held June 6, 1972.

25 II.

26 Respondent, Forrest H. Anderson acting in his official
27 capacity as Governor of the state of Montana, pursuant to
28 section 17 (9), Chapter 1, Extraordinary Session Laws of
29 1971, issued a proclamation on the twentieth day of June,
30 1972, declaring and proclaiming that a majority of all
31 votes cast at said election for and against the proposed
32 Constitution were in favor of said proposed Constitution.

1 III.

2 Section 93-8911, Revised Codes of Montana, 1947,
3 provides that the attorney general of the state is entitled
4 to be heard in any proceeding for declaratory judgment in
5 which a statute, ordinance or franchise is alleged to be
6 unconstitutional.

7 IV.

8 This application is made on behalf of the executive
9 branch of the government of the state of Montana to uphold
10 the efficacy of an administrative act of the Governor as
11 the head of that executive branch, said administrative
12 act being required by law, and as designated counsel for
13 the respondent, FORREST H. ANDERSON, as Governor of the
14 state of Montana.

15 WHEREFORE, movant prays that this Court grant leave
16 to him to intervene herein and, further, that this motion
17 be deemed an application by this movant for time within
18 which he may orally argue at the time herein fixed for
19 hearing.

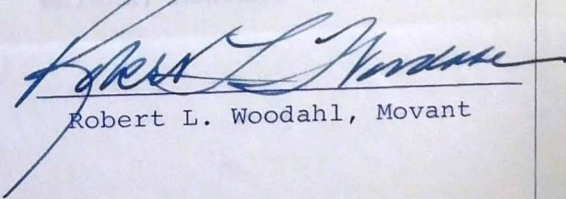
20 DATED this 30th day of June, 1972.

21 ROBERT L. WOODAHL
22 Attorney General

23 CHARLES C. LOVELL
24 Chief Counsel

25 WILLIAM N. JENSEN
26 Assistant Attorney General

27 By:

28 
29 Robert L. Woodahl, Movant

30 CERTIFICATE OF SERVICE

31 I hereby certify that I served the foregoing Appli-
32 cation for Leave to Intervene upon counsel of record by

1 mailing a true copy thereof this date in an envelope with
2 postage prepaid addressed to:

3
4 Morrow, Nash & Sedivy
Attorneys at Law
5 208 East Main
Bozeman, Montana 59715

6 Keller, Reynolds & Drake
7 Attorneys at Law
South Annex Power Block
8 Helena, Montana 59601

9 Joseph P. Monaghan
Attorney at Law
10 2218 Elm
Butte, Montana 59701

11 Douglas Y. Freeman
12 Attorney at Law
Hardin, Montana 59034

13 Hibbs, Sweeney, Colberg & Koessler
14 Attorneys at Law
P. O. Box 1321
15 Billings, Montana 59101

16 DATED this 30th day of June, 1972.

17
18 ROBERT L. WOODAHL
Attorney General

19 CHARLES C. LOVELL
20 Chief Counsel

21 WILLIAM N. JENSEN
Assistant Attorney General

22
23 By:

William N. Jensen

24 Office of the Attorney General
25 State Capitol
26 Helena, Montana 59601
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IN THE SUPREME COURT OF THE STATE OF MONTANA

NO. 12309

THE STATE OF MONTANA, ex rel. WILLIAM F. CASHMORE, M.D.
and STANLEY C. BURGER,

Relators,

-vs-

FORREST H. ANDERSON, as Governor of the state of Montana,
Respondent.

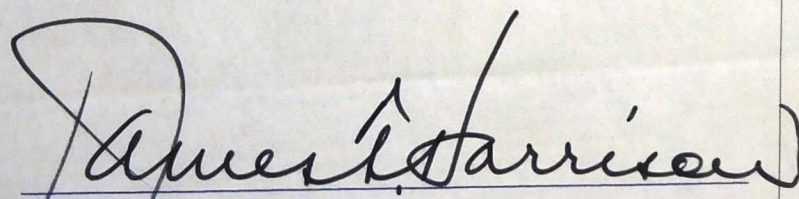
O R D E R

Upon reading the application of Robert L. Woodahl,
the duly elected, qualified and acting Attorney General
of the state of Montana, praying for leave to intervene
herein on behalf of the respondent, and good cause there-
for appearing:

IT IS ORDERED that leave is hereby given the said
movant to intervene in said proceeding by the filing
appearance and by brief;

IT IS FURTHER ORDERED that said movant may argue the
matter orally for such time as this Court may hereafter
direct.

DONE this 30th day of June, 1972.


CHIEF JUSTICE

FILED
JUN 30 1972
Thomas J. Kearney
CLERK OF SUPREME COURT
STATE OF MONTANA