

ORIGINAL

12309

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IN THE SUPREME COURT OF THE STATE OF MONTANA

No. 12309

FILED

JUL 10 1972

Thomas J. Kearney
CLERK OF SUPREME COURT
STATE OF MONTANA

The STATE OF MONTANA on the relation
of WILLIAM F. CASHMORE, M. D. and
STANLEY C. BURGER,

Relators,

v.

FORREST H. ANDERSON as Governor of
the State of Montana,

Respondent.

BRIEF OF AMICUS CURIAE

The proposed constitution is not a courageous document. It is not a creative document. It embodies no reform. It offers no challenge. It is unimaginative. It is uninspiring. It projects the illusion and evades the reality of change. It achieved a level of acceptance within the Convention, and that is the totality of its accomplishment and itself an indication of its meager merit. Those who support it do so more because of what it does not do than because of what it does.

It will not withstand a true comparison with the present constitution. This the Convention dared not provide and did not permit. In disregard of the election law (section 23-2802(2), Revised Codes of Montana of 1947 as amended) and in defiance of the spirit of its own enabling act (sections 17(4) and 17(10), chapter 296, Laws of 1971, amended chapter 1, Laws of 1971, Extraordinary Session),

(37)

1 the Convention sought to have the electorate choose only
2 the projected illusion of change as against the misdescribed
3 or undescribed reality of the existing constitution.

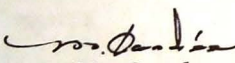
4 Some were persuaded. Some were distrustful.
5 Others were uncertain. All had been misinformed.

6 So the stratagem did not succeed.

7 The proposed constitution was not approved by
8 a majority of the electors voting at the election (section
9 8, Article XIX, Montana Constitution; section 17(9),
10 chapter 296, Laws of 1971, amended chapter 1, Laws of
11 1971, Extraordinary Session).

12 Under the Constitution it must not take effect.

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14 Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies he served the foregoing brief on the 7th day of July 1972 by mailing a copy thereof to each of the following -

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