

ORIGINAL

12309

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IN THE SUPREME COURT OF THE STATE OF MONTANA

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

No. 12309

Relators,

vs.

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

Respondent.

FILED

JUL 11 1972

Thomas J. Kearney  
CLERK OF SUPREME COURT,  
STATE OF MONTANA

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COMPLAINT IN INTERVENTION

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COME NOW, the following named movants, as intervenors,  
by and through their counsel, and file herein the within complaint  
in intervention pursuant to the order authorizing such intervention  
herein duly made and entered June 28, 1972, as follows:

I.

The names of these intervenors are DAVE M. MANNING,  
CLYDE HAWKS, CARL M. SMITH, WALTER HOPE, JESS J. BLANKENSHIP and  
HERBERT J. KLINDT.

II.

These intervenors adopt as their own allegations, all of  
the allegations of fact contained in the Application for Declaratory  
Judgment, Alternate Writ of Injunction, Alternate Writ of Prohibition,  
and Order to Show Cause hereinbefore filed by relator William F.  
Cashmore, M.D.

III.

Further, these intervenors allege that, as more fully

(38)



1 appears from the affidavit of R. W. Harris hereto annexed and from  
2 the official ballot offered to the electors on which to vote, when  
3 the electors in the State of Montana voted on the question of the  
4 adoption of the proposed Constitution June 6, 1972, said electors  
5 had been informed by delegates at the Constitutional Convention  
6 and by said official ballot that, upon their failure to vote on an  
7 issue therein contained, such failure would have the effect of a  
8 negative vote, so that the proponents of said Constitution are now  
9 estopped, and they may not now be heard to say in this case, or  
10 otherwise, that the majority of the electors required by  
11 Article XIX, Section 8 of the Constitution of Montana is other  
12 than a majority of all of the electors voting at the special elec-  
13 tion of June 6, 1972, at which the adoption of a new constitution  
14 was an issue.

15 WHEREFORE, these intervenors pray:

16 1. That on the hearing hereon, this Court adjudge that  
17 the Constitution submitted to the electors voting at the election  
18 on June 6, 1972, did not receive the approval of a majority of the  
19 electors voting at the election of June 6, 1972, and that the  
20 same was not adopted and approved by the voters as required by  
21 Section 8, Article XIX of the Montana Constitution.

22 2. That the alleged proclamation of the Governor of  
23 the State of Montana purporting to declare said Constitution to  
24 be the Constitution of the State of Montana be set aside and  
25 declared null and void.

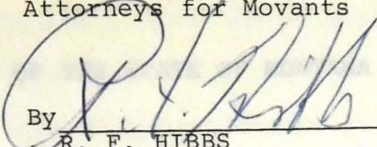
26 3. That the Court grant such other and further relief  
27 as to the Court may seem proper in the premises.

28 DATED this 10th day of July, 1972.

29 DOUGLAS Y. FREEMAN  
30 Hardin, Montana



HIBBS, SWEENEY, COLBERG & KOESSLER  
P.O. Box 1321  
Billings, Montana  
Attorneys for Movants

By   
R. F. HIBBS

C.C.: Counsel of Record

ROBERT E. ANDERSON, as Governor  
of the State of Montana,

Respondent,

STATE OF MONTANA

County of Yellowstone

R. W. HARRIS, of lawful age, being first duly sworn, do  
oath depose and say:

He is not, and during the past year

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