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Transcript for Episode 16: Paving the Way: The Path to Calling Montana's 1972 Constitutional Convention

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[Begin Paving the Way-The Path to Calling Montana's 1972 Constitutional Convention]

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[Music]

00:00:03

Narrator: From the beginning of Montana's distinctive yet troubled history, the Treasure State was dominated both economically and politically by powerful outside interests who shipped in capital and bought control of the State.

00:00:14

Historians tell us that as the Anaconda Company and its friends ran Montana, economic and political power flowed out into the hands of distant capitalists and corporations.

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Policy was determined in far off New York City and control of the press was rigid. Anaconda's corporate dominance in Montana's political affairs was unique in American history. For its first 75 years, Montana was a one-company State. But then big winds of change roared across the Treasure State; between 1965 and 1980 Montanans ripped off their copper collar, transforming Montana from a corporate colony into a free modern State.

00:00:55

The people finally controlled their own destiny. The pitched battle between the people and the established power structure was not easily won but fired In a Crucible of Change a new Montana was born. Join Evan Barrett and real history makers of the time as they shine the light on this remarkable era.

00:01:20

Evan Barrett: Welcome back to *In the Crucible for Change*. Our program today is a very, very special one. The-- the fulcrum upon which much of the progressive change took place in Montana was probably the Constitution, the New Constitution in 1972; if you think of all the--all the progress change of the era, so much of it played out from the whole development of the Constitution and the implementation of the Constitution.

00:01:48

So today's program we're going to be dealing with the Constitution in terms of the front-end of the Constitution, what led up to the Constitutional Convention? And we're going to do a number of programs on the Constitution itself, but this is about what happened on the front-end. You know if you think about the folks that put the Constitution together, nationally they call them the Founding Fathers because they were all men; here in Montana, we might think of them that the folks at the Constitutional Convention were the Founding Fathers and the Founding Mothers. But if that be the case, today we have the Founding Grandparents, the people that were there on the front-end that helped it happen. And I'm really, really honored to be in the presence of people who made such a major difference in Montana history.

00:02:38

We have three guests today. Jean Bowman is--was a member of the League of Women Voters, Leadership of the League of Women Voters that helped promote the development of the Constitutional Convention, and then herself was elected to the Constitutional Convention as a Delegate and not only that was an Officer, the Secretary of the Convention. So she obviously played a major role on the front-end and the actual development of the Constitution.

00:03:06

Toni Hagener joins us from Havre and Toni was very, very active in the League of Women Voters, pushing for the New Constitution and the AAUW, the American Association of University Women. Toni later was a County Commissioner in Havre and also a--a three-term member of the Montana Legislature.

00:03:31

Again, and Ty Robinson from Missoula; Ty is the last remaining member of the--what is called the Montana Constitutional Convention Commission, the folks that set up the whole structure of the Convention itself. And he's also a very prominent long-term attorney from Missoula.

00:03:50

So these folks are the Founding Grandparents of the Constitution, which has made such a big difference in Montana. So welcome to all of you here on *In the Crucible for Change*.

00:04:00

Ty Robinson: Thank you; we're glad to be here.

00:04:01

Jean Bowman: Thank you.

00:04:01

Toni Hagener: Thank you.

00:04:02

Evan Barrett: Now this--this by the way is not an interview. This is a conversation. I want to hear your points of view on a lot of things and I'll probably throw in my perspective on a little bit as--as we go.

00:04:17

Ty Robinson: We'll be glad to let you. *[Laughs]*

00:04:16

Evan Barrett: But it--but I got to tell you it really is an honor because this document which made such a major difference in Montana history and in the lives of every Montanan since that time you played such an important role in making it happen. I mean it can't be understated or overstated how--how important that was. Jean, you were really, really active almost--it seemed almost full-time in the League of Women Voters back at that time and what you were doing. Tell us about the--the--what happened back there in the Billings and Eastern Montana area as you tried to push forward on this idea?

00:04:52

Jean Bowman: Well you may know that the League of Women Voters does not take a position on any candidate, but we do take positions on issues, but before we take a position we have what we call a Study of the Issue. And we decided that we would make the--whether or not Montana needed a New Constitution the subject of our issue to be studied at that particular time which was in the late '60s.

00:05:20

And I was chosen in Billings to be the Chairman of that Committee. And so I spent a lot of time reading the Old Constitution, putting things together about why I thought--and of course there was a Committee working with me--why we thought we should come out in favor of having a New Constitution. And the--the State League then each Unit of the--of the State Leagues in the various towns were doing the same thing and as a group we decided that yes indeed; the League of Women Voters of Montana was going to support and push for a New Constitution.

00:06:03

Evan Barrett: Well you know if you think about it, having the politically interested, civically interested women of Montana unified on a subject has got to be a pretty powerful thing.

00:06:16

Jean Bowman: [*Laughs*] We were pretty sure we wanted this to happen. And we did everything we could to make it happen.

00:06:23

Evan Barrett: Do you recall what were the--the kind of some of the core issues that drove people to say we've got to have some change here?

00:06:32

Jean Bowman: Oh you've put me on the spot Evan. I can't really be very specific. One thing we thought was that it was entirely too long, the Old Constitution. No one could read it from cover to cover and really know what they had read.

00:06:49

We felt like the Anaconda Company and the Montana Power Company had a little bit too much leeway for taxing in the Constitution. We had read about what Constitutions were supposed to do and felt that this was probably legislative material, not constitutional material.

00:07:14

Evan Barrett: Well you know it's worth noting that of course at that time, the Constitution was 80 years old.

00:07:21

Jean Bowman: Right.

00:07:21

Evan Barrett: So it might have needed a little fixing. And the way it was written up that you could only fix it a little bit at a time so that there was no way to make massive changes in the document even though it was 80 years old. And coincidentally perhaps the President of the Constitutional Convention when it was written was copper king, W.A. Clark.

00:07:41

Jean Bowman: Exactly; isn't that interesting. [*Laughs*]

00:07:43

Evan Barrett: Now who knows you know how that--how that would go but--.

00:07:47

Jean Bowman: Well and of course women didn't have the vote at that time. And not that it might have made any difference but it very well might have made a difference in how the--the 1889 Constitution turned out. It was written by very few people in a very short time for a very specific reason which was we wanted to become a member of the Union.

00:08:10

Evan Barrett: Yeah; you had to have a Constitution.

00:08:12

Jean Bowman: We had to have a Constitution in order to do that. And the first one had been turned down by the Senate I believe in Washington.

00:08:21

Evan Barrett: US Senate, yeah.

00:08:21

Jean Bowman: And so these people were in a hurry understandably and their purpose in writing a Constitution was far different than the purpose of those of us who helped to draft the 1972 Constitution.

00:08:36

Evan Barrett: Uh-hm and you were on the front-end again from the promotional side which is really once you got it in your--your mind as an organization to--to push on this thing you guys pushed it all over the place. Tell me how much did you--?

00:08:51

Jean Bowman: We did push it all over the place. Dale Harris came up with an absolutely marvelous banner for us. I don't know where he had it made. But my very good friend Jean Anderson from Billings and I had access to this banner. And we made arrangements to have a booth in many county fairs across Eastern Montana. And we drove to those county fairs with our banner and our--our information about why people should vote on this Referendum to hold a Constitutional Convention.

00:09:28

And we were kind of differed from the other booths; I don't know. People stopped at our booth but many of these booths were--were farmers and--and 4-H kids and school programs and these kinds of things and there are these two ladies trying to talk to you about the Constitutional Convention that we wanted to have. And many people listened to us. And I mean it was not an easy task; Eastern Montana is a vast expanse but we spent our weekends the summer before the vote doing that.

00:10:06

Evan Barrett: Yeah; you get to know Montana. Well Toni, you were active in the League of Women Voters and also with AAUW. Tell me how much--now you're up on the Highline; you know it's a--this is Montana of course--there's a few miles between the Highline up there in Havre and Billings. So in your geographic area what were you guys doing on the front-end like this?

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Toni Hagener: Well actually both of the organizations were presenting materials about the Constitution and where it had weaknesses and what the legislative problems were. And we were interested in it. The League of Women Voters probably gave us the more detailed information. AAUW provided us a lot of background in connection with it but both groups were studying the fact that it wasn't working the way it should and that we needed to do some revisions to be--needed to be modernized if nothing else. And so when we went to these various things supporting these ladies with what they were doing and trying to carry it forth, we were doing that in various clubs, other clubs and organizations too because in small towns you're always looking for somebody.

00:11:12

Jean Bowman: Right; you increased the--the mass.

00:11:15

Toni Hagener: Right; right.

00:11:15

Jean Bowman: Having your organization plus the League of Women Voters--that's a lot of women. And I have to say that those were women who knew what they were talking about. We had done our homework.

00:11:31

Evan Barrett: My wife tells me that she always knows what she's talking about.

00:11:34

Jean Bowman: Well that could be.

00:11:35

Evan Barrett: And I agree with her.

00:11:36

Jean Bowman: Oh good; that is very wise. *[Laughs]*

00:11:41

Ty Robinson: You better.

00:11:41

Evan Barrett: Well that is--it's a powerful thing; it really is. And it was an interesting time. I recall that and Ty I might ask your thoughts on this because you--you were in World War II and Ted Schwinden made the point when we talked with him that--that Montana was changing partially because people came back from World War II, GI Bill, had seen the world, were looking for change; tell us what your--.

00:12:07

Ty Robinson: Well there was a sociological change there's no question about it. As we came back after World War II we all wanted a new beginning and we wanted it in a hurry. Well Montana changed I think somewhat politically, economically; the politics didn't bother us so much as long as we could do certain things and it became obvious after we were educated under the GI Bill yes it was a time for change and we could be the change-makers. And that's what I think the motivation that put these nice women to work thinking something is happening here and it was happening all over Montana.

00:12:45

Evan Barrett: Uh-hm; did you find that there were impediments to change that were built into the government here and that caused you to think well we want to make change but we got to change the rules before we can change the game?

00:12:57

Ty Robinson: There certainly were impediments but a lot of those became personal impediments of people or organizations that wanted to maintain the status quo when you talk about a change. You're talking about changing the Constitution. Boy oh boy; that's a big operation and that's going to affect all of us. And believe me if I'm a sheep herder out here or running a lot of sheep I'm--those people down in Helena tampering with anything, said leave it as it is; we're doing fine. Yes; I think the motivation was there and it kind of snowballed itself thanks to the very thing that Jean and Toni are talking about here where they took the reins as an organized effort that they were to go out and see first should we have one and of course, following that over into the political realm came the Legislature saying we should have a Committee just to determine should we change the Constitution. What should we do? Should we fix it up? Should we modify it or anything? Then as--

00:14:01

Evan Barrett: And that was the--that process was very interesting because that was the--I think that was the '67 Legislature, and at that point they tried to pass a Bill to create a Constitutional Commission and it didn't pass.

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Ty Robinson: That's right.

00:14:15

Evan Barrett: And so actually I think it was Senator Groff from Victor and Senator Dave James from Chester and Senator Bill McKay from Red Lodge or he was actually from--

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Ty Robinson: Your hometown.

00:14:29

Evan Barrett: --well that was my hometown, yeah; he was--my home county. He--he actually was from out of--
over by Roscoe.

00:14:35

Jean Bowman: Yeah; Carbon County.

00:14:36

Evan Barrett: Yeah; and--and so those three introduced a Resolution in--to have a study by the Legislative
Council which is kind of an evolving group and then Jim Felt--

00:14:51

Jean Bowman: From Billings.

00:14:51

Evan Barrett: --from Billings and Jim Murphy who you knew well and--

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Ty Robinson: From Kalispell.

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Evan Barrett: --from Kalispell, proposed it similarly in the House and they both passed so suddenly there was a
study. And the study came up with some interesting stuff. According to the study 20-percent of the Constitution
Sections needed revision; half of them were okay and more than 30-percent needed to be thrown out. So then the
Legislature actually looked at the Section-by-Section and they said wow. There's a bunch of stuff in there that's got
to go. So that was probably the first real serious public--

00:15:35

Ty Robinson: Well it was moldy. [*Laughs*]

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Evan Barrett: Yeah; yeah. Now you're a lawyer.

00:15:42

Ty Robinson: Yes.

00:15:42

Evan Barrett: And you became an attorney?

00:15:45

Jean Bowman: Exactly.

00:15:46

Evan Barrett: Right; and Toni you didn't become an attorney?

00:15:48

Toni Hagener: No; I did not.

00:15:49

Ty Robinson: She's lucky.

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Jean Bowman: Smart girl.

00:15:50

Evan Barrett: Yeah; but--but we all I think experienced or understand the experience, the--the problems. One of them was always this 60-day Legislature.

00:16:00

Ty Robinson: That is true. There was a feeling I think people became yeah, disinfected about the--in fact the Legislature would--never seem to quit on time. And what they did on the 60th day at the end of the 60th day they just put a cloth over the clock.

00:16:18

Evan Barrett: Pretend like it was still the 60th day.

00:16:19

Ty Robinson: That's right. And went on working and finally they realized that some of them wanted to go home and had to get things planted and do some other work. Then they finally got the work done and went home. But that was happening too often in the minds of lots of people. Then there were other people who felt that the Legislature shouldn't be meeting every--that often. We could get by without it. For instance, Wyoming would meet 30 days; they'd get everything done and go home. We weren't having that luxury.

00:16:50

Evan Barrett: Well Wyoming, well we never could quite use them for a model now could we? *[Laughs]*

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Ty Robinson: Well I just meant that since they're a sister State.

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Evan Barrett: Well you know if--if you think about this thing, we--we had a number of impediments and--and people decided hey we're looking--we're looking for a little bit of change here. But a thing that kind of was upsetting things and making it--change seem inevitable was Reapportionment. It changed the power structure in

Montana pretty dramatically because the US Supreme Court said one man, one vote, and you know prior to that for example, Petroleum County with 800 people had one Senator and Billings, Yellowstone County with 80,000 people at the time had one Senator. That was 100 to 1 disproportion of power. And so the rural areas were overpowered in the processes. And suddenly the Supreme Court threw that out and all the sudden power structure started changing and it's almost like change was--became somewhat more inevitable at that point.

00:17:58

Jean Bowman: Right.

00:17:58

Ty Robinson: And I think that was--brought some of the impetus for change that very Court ruling.

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Jean Bowman: And I think that Montana took advantage of that in a very measured, cautious, intelligent way. It had the Commission. They had the Legislative Council Study, the League of Women Voters who just did it, but we didn't just say oh we've got to change, so let's get started and have a kind of a mishmash; I think that the State needs to take credit for the fact that it approached this I think in a very systematic, carefully thought-out way, which is probably one of the reasons that it was so successful.

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Evan Barrett: I would guess if you threw 100--if you elected 100 people very quickly and threw them in a room and said come up with a Constitution--

00:18:53

Jean Bowman: In 30 days.

00:18:53

Evan Barrett: --you'd never get it done.

00:18:55

Toni Hagener: Never.

00:18:55

Jean Bowman: Well it--

00:18:56

Evan Barrett: If it hadn't been for the kind of structured approach.

00:18:58

Jean Bowman: The foundation that was laid by the Commission that Ty was on, by the AAUW, the League of Women Voters. There was another group, the--some people were involved in it that Jim Felt put together in Billings trying to get people to start thinking about this because your idea of what would be a good change wouldn't necessarily be mine. And so we got people to talking about what really do we need to do instead of just throwing a bunch of stuff in a pot?

00:19:30

Evan Barrett: Uh-huh; well to kind of maybe lay out the formal structure, obviously the promotion on the front-end and the energizing of people and--and by the way, let me just say that this whole series *In the Crucible for Change* is about the empowerment of people. It's about changing a State where the State was seemed to have been a subsidiary of the Anaconda Company, almost a colonial status for folks because of the way the laws and the rules are written and the economics were and the politics were, remembering for example that every--almost all but one major daily newspaper were owned by the Anaconda Company until 1959. So there--so the theme of the whole series that we're doing is that there had to be a change and there was a change and it was about empowering people. Now what could be more empowering than seeing what the League of Women Voters was doing, seeing what the AAUW was doing, seeing what people were saying out there about this thing, so it--it does kind of fit.

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The--but then there had to be this formal process and the--kind of the steps were very interesting because you were in the last step formally before the Convention itself.

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Ty Robinson: That's true.

00:20:53

Evan Barrett: Before that the Legislative Council--the Legislature met and the Legislature Council did their analysis. They came to the '69 Legislature and the '69 Legislature they created a Commission to look at revisions. And--

00:21:09

Ty Robinson: Mostly Legislators.

00:21:10

Evan Barrett: And there was--yeah a whole bunch of Legislators in that one and there were--there were 16 members, 4 appointed by the Court, 4 by the Governor, 4 that were House members and 4 that were Senators. And--and they at the same time though, they put up in '69 and remember that was the year in which Forrest Anderson was the Governor. And so there was some interesting stuff going on because he ended up promoting the *20's Plenty* plan for the Executive Branch, which occurred and was passed before the change in the Constitution but there was change in the air in the Legislature at that point. And then they ended up saying well let's call--let's at least while we're studying this, while the Revision Commission was working, let's put on the ballot something that calls a Convention because then if they call it we'll at least be partially ready for it.

00:22:03

And that's what happened, and we'll talk about that in a second because--but then you had the Revision Commission and then putting that on the ballot and then when we went to the '71 Legislature, the call had already happened. I mean the people had said we want a Convention.

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Ty Robinson: But what percentage was that do you remember?

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Evan Barrett: Sixty-five percent of the people voted in favor of having a Constitutional Convention.

00:22:27

Jean Bowman: Calling a Convention.

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Evan Barrett: Yeah; now 65-percent voted for it. But then what was it? They knew change but then the Legislature had to do--come up with an Enabling Act and in the '71 Session did that. They came up with the thing that said--within the constraints of the existing Constitution, came and said well here's--we have to elect a bunch of people and they have to be elected like House members, they have to have the qualification like Senate members, and--and then they empowered a Commission, a Constitutional Convention Commission to put it all together. And that's the Commission that you served on.

00:23:06

Ty Robinson: Yes.

00:23:07

Evan Barrett: And tell us about that--as we were really getting ready at that point.

00:23:11

Ty Robinson: Really getting ready. We were appointed as you say. There were 16 members. We had of that membership there were 8 lawyers since 4 of them had been appointed by the--by the Supreme Court and I think it turned out 2 were appointed by both the House and 2 by the Senate. They were a very interesting group of people; actually hard working and the way in which we worked was a little bit different.

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We had--these were all volunteer people. We did have a fine Chairman in Alex [Blue], a lawyer from Great Falls. And it turned out that he was the proper one to have because he could give more time. He was close-by. And he did. Our routine was that we'd leave our home maybe Thursday or Friday night if we could and come over here and spend all day Saturday and Sunday working with our staff and telling the staff what we wanted. Come back the next weekend and hope we had it; fight and argue over whether it was good or what we wanted to recommend, what we wanted to do. They really were not recommending--recommendations as much as they were--as it was data for the Con-Con to have. Here it is. You people have to take this and you're going to make the decisions.

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We had--these people were very conscientious but we were a diversified group. We weren't all in favor of a New Constitution. We had a couple three members that said well; they were--

00:24:47

Toni Hagener: The Old one was okay.

00:24:48

Ty Robinson: That wanted--they were a little bit bulking.

00:24:52

Evan Barrett: Let me back up for a second to the promotion of the Constitutional Convention and the--it was in the 1970 election.

00:25:02

Ty Robinson: Seventy election.

00:25:04

Evan Barrett: Which is also when the *20's Plenty* was on. So the people were seeing that and that got--that passed by better than 70-percent. So I think the mess of the Executive Branch probably helped set some tone for the idea that we need some change.

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Jean Bowman: Oh I think you're absolutely right.

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Toni Hagener: Absolutely.

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Evan Barrett: You know and--

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Jean Bowman: Most of the people didn't have any idea there were that many bureaus, boards, and administrative agencies.

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Evan Barrett: I remember the brochure. It said *161 good reasons for Executive Reorganization*. And that's by the way my first job in State government was doing that Reorganization effort with--

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Ty Robinson: And you enjoyed it?

00:25:42

Evan Barrett: Oh what a learning experience. What a learning--

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Ty Robinson: Well you did a great job because finally the public accepted it.

00:25:49

Evan Barrett: Yeah; yeah. Well I had great mentors. I was pretty wet behind the ears at that point; I'll tell you that.

00:25:54

Ty Robinson: Guy by the name of Crowley.

00:25:55

Evan Barrett: Duke Crowley and George Bozelman and then we had a wonderful staff that helped. But--but I think it--the lay of the land was that there was a mess here in Helena. And the Executive Branch epitomized it and then it was on the ballot and being discussed at the same time. Why don't we fix up things in the Constitution?

00:26:14

Jean Bowman: As long as we're in the fixing mode let's--. [*Laughs*]

00:26:17

Toni Hagener: Do it--

00:26:17

Jean Bowman: Keep going.

00:26:17

Evan Barrett: And so all of the sudden it happened and--and there was a--again, a very interesting--I think while we talk about politics as part of all this stuff, the interesting dynamic of the time was that one of the leaders of this fight to have it happen there was--there was a private sector group called the Montana Constitution Convention

Committee which was a private group that raised a little bit of money and promoted the Constitutional Convention on the ballot. And Jim Felt who was the Speaker--former Speaker of the House or was the Speaker of the House--

00:26:49

Ty Robinson: He was Speaker.

00:26:50

Evan Barrett: --was on--was the Head of that Committee. And he was a Republican. Now I say that because the tone of things with--the--the kind of way things were looked at today philosophically between the two Parties are such a division but there were progressive folks in both Political Parties, big-time in those days weren't there?

00:27:12

Jean Bowman: That's right; yes.

00:27:13

Toni Hagener: Yes; that's right.

00:27:14

Ty Robinson: We think we reached a point maybe where at that point Montana was a populist State and we didn't really have this antagonism of one Party or the other. We--we were moving forward on the--a goal.

00:27:27

Evan Barrett: Well you know I have a friend of mine and I call him a prairie populist and he calls me a mountain populist. And maybe we need to get bound to more of that these days because I think we see so much division today and so much doctrinaire belief in things that every--that this idea that we could work together--Montana really was--not that there wasn't opposition but people worked together a lot more then.

00:27:53

Ty Robinson: Very much so and the 1950 Legislature on right up until the time that the Constitution was adopted. Yes; you didn't have any acrimony. You had a lot of fun. You had leadership in both Houses that saw to it; for instance you mentioned Groff. He was really the man that ran the Senate on finances and he had a partner from his own county, lived 10 miles apart.

00:28:19

Evan Barrett: Norris Nichols.

00:28:20

Ty Robinson: Norris Nichols and the two of them why they--they ran the legislative finance.

00:28:25

Evan Barrett: We called them the Gold Dust Twins.

00:28:27

Ty Robinson: Yes; we did. *[Laughs]* We were hoping a little of that dust would fall off on us at times.

00:28:33

Evan Barrett: Yeah; but it was--it was interesting that--that it went on that ballot and it was promoted and it happened. And so but in the meantime, it's very interesting. It was like what happened with the Executive Reorganization. While the *20's Plenty* thing was on the ballot there was this study being conducted so that if it passed there would be a plan to go to the Legislature with. Well you had at least a little of that with the Constitutional Revision Commission. They started--they had a staff. I think Dale Harris was the Staff Director.

00:29:04

Ty Robinson: He was.

00:29:04

Evan Barrett: Of both that Commission, the first Commission, and the second Commission.

00:29:07

Ty Robinson: Both; yes.

00:29:08

Evan Barrett: He was a brilliant fellow wasn't he?

00:29:10

Ty Robinson: He was very nice to work with. He showed up every day with a coat and tie. The rest of the staff may not have shown that way because we were right in the middle of [hippiedom] and some of our staff were more hippies than the rest of us.

00:29:23

Evan Barrett: Well--well my hair was a lot longer then but it was a lot more of it, too.

00:29:29

Ty Robinson: Yes; well true.

00:29:30

Jean Bowman: Well I have to say that without these documents that the Constitutional Revision Commission put together for us, I'm not sure we could have passed--could have written the kind of Constitution that we wrote. None of us imagine that had ever written a Constitution before.

00:29:52

Toni Hagener: Right.

00:29:52

Jean Bowman: And--

00:29:52

Ty Robinson: Well it's not certainly an everyday thing is it?

00:29:55

Jean Bowman: It isn't.

00:29:54

Toni Hagener: No.

00:29:56

Jean Bowman: And this--these books and they were books--

00:30:01

Ty Robinson: Twenty of them.

00:30:01

Jean Bowman: --were just invaluable to us. And we owe that to the Constitutional Revision Commission because if you had just put us in the room, even though most of us were quite fine people, we couldn't have done it.

00:30:17

Ty Robinson: I don't mean to interrupt but honey it wasn't Revision; where the Constitutional Convention Committee.

00:30:23

Jean Bowman: Committee, sorry; thank you.

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Ty Robinson: Because the revisions had been first.

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Jean Bowman: Sorry.

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Ty Robinson: A group of Legislators.

00:30:29

Evan Barrett: Yeah; we had--again the structure was a Legislative Council, followed by a Revision Commission, followed by a vote, and then a--a Constitutional Convention Commission followed by elections and then a Constitutional Convention.

00:30:44

Jean Bowman: Yeah; but it's--

00:30:44

Ty Robinson: We were way down--

00:30:46

Jean Bowman: Well but you were invaluable.

00:30:48

Evan Barrett: You had a marvelous staff.

00:30:49

Ty Robinson: We had a great staff. Let me tell you--

00:30:52

Evan Barrett: Even with the long hair.

00:30:54

Ty Robinson: --and they were all very good and I must say this. I'm--for instance, we had Rick Applegate as the designated staff. We had 16 people, 16 staff, so each one of us had a staff member and they were very loyal to each one of us when we--in doing our work.

00:31:14

Anyway we'd get to the point where these--without these people we wouldn't be doing our work. They were doing the work and we were--they were the slaves. Let us put it that way. We'd get back here on a weekend and we'd do the arguing and we'd put it together, give them some more ideas; we came up with a lot of ideas. Where did we get the idea that we should have a change in the educational--? Well we--that was happenstance. My brother came along one day when we were in a meeting and he had just come from Michigan where he graduated from Law School. We were talking about the education problems; do you remember that? We--we had a State Board of Education of five people expected to run the whole State. We weren't doing very well were we with K through 12?

00:31:57

Jean Bowman: No.

00:31:57

Toni Hagener: No.

00:31:59

Evan Barrett: Including the University System.

00:32:00

Jean Bowman: Well I was going to say; I was going to say.

00:32:01

Ty Robinson: The University--including the--

00:32:03

Toni Hagener: Most people weren't happy with it.

00:32:04

Ty Robinson: In disarray; Dr. Rennie, Dr. McFarland fighting with each other. The Legislature torn all apart over that; well why don't you go to Michigan because they had just adopted the brand new model of 7 people who run their higher education, etcetera and something else? It turned out that we had people come from Michigan as we did various times. We reached out to Colorado, Washington State University; we were fortunate to get these people to come in and advise so we could put something on paper for these people. And it was working. Everybody on our staff--I think in fairness to the--would you mind if I--?

00:32:46

Evan Barrett: Go right ahead.

00:32:47

Ty Robinson: Just read--let's go back first--it's the membership. I mentioned Alexander [Blue]; Alex--we had Gene Mahoney, a Senator down in Sanders County as the Vice Chair, Charles [Bovey] from Great Falls. Do you all remember Charles?

00:33:01

Toni Hagener: I remember him; yes.

00:33:03

Ty Robinson: Played a real part in the history of Montana. And we had Marjorie Brown who had been on the Revision Commission. She came in on this Commission. Boy she turned out one time to be Dean of the Law School at the University. Charles Harrington, a lawyer--

00:33:19

Evan Barrett: Yeah Chas; yeah.

00:33:21

Ty Robinson: Arthur [Hagiston], Clyde Hawk, a long-time Legislator from down somewhere in the prairie just east of Ekalaka. [Laughs] Gene Phillips was a lawyer in Kalispell, partner of my brother; Clyde [Rader] another long-time senator and then we had Randall [Swanburg] from Great Falls. And he had more ideas; I don't know where they all came from except if we went to lunch it was a three-martini lunch and then he had more ideas.

00:33:51

Evan Barrett: Very creative.

00:33:52

Ty Robinson: Yes; we did. Bruce Toole, another lawyer from down with the big firm in Billings and Leonard Schultz, long-time lawyer in Dillon, a friend of yours--you knew him probably very well and then we had Bill [Sternhagen] from Helena. And then we had the key; a Professor by the name of Ellis Waldron from the University, Political Science Professor.

00:34:15

Evan Barrett: Yeah; this is his book right here. This is what I call my bible; Ellis Waldron's bible.

00:34:20

Ty Robinson: I'd say without Dale Harris and Ellis Waldron, our work would never have been complete and it wouldn't have been very productive.

00:34:27

Jean Bowman: Thank goodness for all of you.

00:34:29

Ty Robinson: Well thank you dear. Thank you; we had an equal staff of just as good as I think the people on the Commission. We had--as we spoke about Dale, we had Jerry [Hollerin] of Missoula who was a journalist with Missoula--

00:34:42

Evan Barrett: Former reporter, real smart guy.

00:34:46

Ty Robinson: He was and a hard-working--. These people on the staff were all I thought very conscientious once we got them into work and got them out of bed in the morning. They'd have a big night before--these hippie kids.

00:34:57

Evan Barrett: We're going to have a program with a lot of those staff folks and I'm going to play them your comment, so--. [*Laughs*]

00:35:05

Ty Robinson: Let's blank out some of that.

00:35:07

Evan Barrett: Okay. [*Laughs*] They were by the way a very accomplished group that went on to do wonderful big things, all of them.

00:35:12

Jean Bowman: That's right.

00:35:14

Ty Robinson: Oh that's the thing that is important.

00:35:15

Jean Bowman: Real world; yeah.

00:35:16

Ty Robinson: That's why I'd like to read their names because they are. There was Roger Barber, Sandra [Mickleson], Karen Beck, Richard Bechtel, Bruce Sievers of Missoula, young man that I had in college, James Brady, Karen [Eiberg]--she might have come from more up in the Highline there, Barry Carlson, Beverly [Hilger], Juanita [Fontana], Alice [Biermann], Dianne Christiansen--she was very active on the Educational Committee and preparing it, Rosemary [Arker] from Missoula, well Helena I think, and Jane Jones and Gail Smith.

00:35:59

Evan Barrett: And you know Karen Beck, she had been on the Executive Reorganization staff.

00:36:07

Ty Robinson: That's right; she was.

00:36:09

Evan Barrett: She left there when that was--when we finished the work there. She moved over and became--

00:36:12

Jean Bowman: Well and Jim Brady has some nationally respected what--what does Jim Brady--?

00:36:18

Evan Barrett: Well he wrote the book *Six Days of the Condor*.

00:36:18

Jean Bowman: That's right; that's right.

00:36:21

Evan Barrett: Which became the movie *Three Days of the Condor*, but yeah he's--he became a successful author and--. Yeah; I mean a lot of really--

00:36:29

Jean Bowman: And this was a first-rate organization.

00:36:31

Evan Barrett: You know but it is--it epitomizes our--our processes here in the United States and in the State of Montana that you had policy-makers and you had--you called them the kind of slaves but in fact that's the way a democratic system works. If it works right it's based on information. It's based on facts, not just ideology. If you--if you make decisions based on facts you're going to be better off and developing the facts was a big part of this kind of thing I think. And I mean out there you were--when you were promoting it early on you were dealing with facts.

00:37:04

Toni Hagener: Right; people were asking, why do we need it and you had to explain why you needed it. We needed to modernize; we needed to be able to move more successfully. We needed to be able to influence somehow or another and we couldn't.

00:37:16

Jean Bowman: And we were able to be specific about it.

00:37:19

Toni Hagener: Right.

00:37:20

Jean Bowman: And I think specificity helps; it helps people to realize--oh yeah I get it now.

00:37:26

Evan Barrett: Those stubborn things called facts.

00:37:30

Jean Bowman: I know that you just don't want to be confused with the facts.

00:37:33

Evan Barrett: I think a lot of times in the political world, people would rather avoid them if it gets in the way.

00:37:40

Ty Robinson: Ninety-percent.

00:37:42

Evan Barrett: You know.

00:37:43

Ty Robinson: Look at the political campaign we're going through at the present time. **[Laughs]**

00:37:47

Evan Barrett: Ugh; well--

00:37:49

Ty Robinson: Facts are not--. Well after all what's your goal? It's to get elected and if you have to slip a few things suddenly--.

00:37:59

Evan Barrett: Ah I'll tell you.

00:38:02

Ty Robinson: Anyway but I think we were very fortunate to have had the people working all the way through the Con-Con right back down to the first revisionists. They were all people that wanted to see something done--what for? For the people of Montana and to get the best thing we could to have some kind of institution, you know document that could make us civilized.

00:38:27

Evan Barrett: You know one--go ahead--.

00:38:29

Jean Bowman: Well your staff then lopped over to become the staff of the Substantive Committees of the Convention.

00:38:35

Ty Robinson: That's right.

00:38:37

Evan Barrett: Virtually all of them.

00:38:37

Jean Bowman: Yes; virtually all of them and of course we couldn't have done it without them.

00:38:42

Ty Robinson: They had the experience already.

00:38:44

Jean Bowman: They had the experience.

00:38:46

Ty Robinson: They knew what we--

00:38:46

Jean Bowman: And we didn't. You know the staff person knew more about whatever it was than probably most of if not all of the Committee. And we respected that and listened to that. And--

00:38:59

Ty Robinson: That's right.

00:39:01

Evan Barrett: Well you know the--again the way I think the process works is that the younger folks which I was at that time who--our job was doing this stuff was to dig out the facts and to provide them to people who had more judgment than we did. We knew how to dig and research and come up with information and even have ideas. But the fact was that there had to be more seasoned folks like those who were elected at the Convention, who then took that knowledge, that information and used their judgment to come up with some right solutions. And so the combination of--of judgment and hard work, younger people--

00:39:43

Toni Hagener: Had a good mix.

00:39:44

Evan Barrett: --some more seasoned people that's the way it ought to work I think. And it did.

00:39:50

Jean Bowman: Well it's hard to argue that--that isn't the best possible model.

00:39:55

Evan Barrett: Yeah; yeah.

00:39:56

Ty Robinson: Now it wasn't a unanimous matter all the way through. Even our Committee, but you over in the Con-Con--

00:40:02

Jean Bowman: Oh well--. [*Laughs*] And you should have been on the Judiciary Committee if you wanted conflict.

00:40:08

Ty Robinson: We may have some fun.

00:40:09

Jean Bowman: Yeah.

00:40:09

Ty Robinson: I used to enjoy sitting up in the lobby there watching new people, hoping against hope that what we had suggested in this Committee or that Committee, not suggested but give you the information, you'd do it.

00:40:23

Evan Barrett: You know we're--we are really going to do about a total of seven of our segments out of thirty segments of *In the Crucible for Change*. I think we've scheduled seven of them to be, including this one to be about

the Constitution because it is so--so critical to--to what went on. And right now the product is a very interesting thing to see. Right now when you talk around the country to folks, when you read up on it, Montana's Constitution is held up as a model for virtually all the rest of the nation as probably the best single State Constitution in the nation.

00:41:04

So gosh we must have done something right. Was it just the water or the air or what was it?

00:41:10

Ty Robinson: Well it might have been the Montana Club [*Laughs*] after hours.

00:41:21

Jean Bowman: Oh I think it's the people who live in Montana. They're a special breed.

00:41:26

Evan Barrett: Well you know there was a very interesting thing that happened on the front-end here. I want to talk a bit about it and that was--when they went into the '71 Legislature having passed the fact that there should be a Constitution Convention held, the Legislature was getting ready to put an Enabling Act together and they found that they were--had--wanted to deal with three issues that they had to go to the Supreme Court and ask the questions of the Supreme Court.

00:41:55

And they asked if the districts they would use to elect the Delegates should be based upon the population in 1960 or the population in 1970? And they asked if the election of Delegates should be partisan or non-partisan. And then they asked perhaps the most important question could Local government officials who were currently holding office at that time or existing Legislators run to be Delegates and the Supreme Court--and those were legitimate questions. They didn't know the answer to them. So the Supreme Court said--they came back within 30 days and said--used the 1970 census; it's done, it's completed, use it as the basis for apportionment of the Delegates. Okay; they said the rules of the Old Constitution said you elect them in the same manner in which the Legislature is elected so it meant partisan because that's what the legislative elections were. And then they said there was a

provision in the Constitution that said no person shall be able to hold two--more than one civil office at the same time.

00:43:04

And I think the term was civil office at the same time and therefore if you were an existing Legislator or a County Commissioner or anyone like that you could not be a Delegate to the Constitutional Convention. Reflect on what that decision meant.

00:43:18

Jean Bowman: Well I think it was one of the best decisions the Supreme Court ever made because the mindset of the Legislator is to draft legislation which is pretty detailed.

00:43:29

Evan Barrett: Detailed.

00:43:30

Jean Bowman: How we do this and then if this happens, this happens, and this--da-da-da. The Constitution is more of an umbrella over which--or from which these legislative issues are decided based on a framework--is a better word I think than umbrella; the Constitution is a framework full of generalities and the--and the Legislature's job is to take those generalities and make them into specific instances that will--will be appropriate to the foundation of the Constitution.

00:44:10

Evan Barrett: Of course legislative stuff is--those details can change and change and change and change and change.

00:44:15

Jean Bowman: And they can change--and they can change easily. And they should as times change. But the foundation should not change easily or often.

00:44:24

Evan Barrett: Would you--would you--wonder if either of you would reflect on the issue of whether or not Legislators were kind of used to an older--they operated within the old system.

00:44:37

Ty Robinson: The old system.

00:44:38

Evan Barrett: And would they have been more prone or less prone to develop change?

00:44:44

Toni Hagener: I think they would have been less prone. I can remember a few saying when they were not allowed to run for anything, saying well how come? You know I know--I know about it; I know how it works. Why can't I be on it? I should be on it. I have background. I have information and we were trying to say that's why we don't want you there. **[Laughs]** I mean we didn't say it--obviously but we were trying to say we want some new ideas. We want some--we want to look beyond what has been done in the past and see what can be done for the future.

00:45:12

We want to see if there can't be something new and different and different from in the past, different from Anaconda, different from what was going on.

00:45:20

Evan Barrett: I remember because I was working in the Legislature at that time because I had left the Reorganization staff to go to work in the Governor's Office to help pass the Reorganization Bill. And--and so I was up there wet behind the ears you know just taking guidance from anybody and everybody I could but I had my eyes and ears open. And I--boy I heard a lot of consternation upstairs on the third floor when it was said you can't be in the Con-Con. What? You know so it did--and I'm guessing like anything else in life, fresh eyes--

00:45:59

Ty Robinson: Yeah; well I think more than that to me it was Americana democracy at its best. We talk about everybody should have a right to vote, everybody should be able to at least express their opinion one way or the other. Here we reach out to a group of people that aren't tainted as Legislators or in a mold as I saw it. Here they are for the first time and that--to me that was what--. And you talk about being Montanans, we're different. Well we're only different to the extent that we were able to get the thing done.

00:46:33

Jean Bowman: But the mindset of a Legislator is different than the mindset of someone who helps to draft a Constitution.

00:46:40

Toni Hagener: Right; very different.

00:46:41

Ty Robinson: A brand new group that's why I say Americana at its best.

00:46:44

Toni Hagener: I agree.

00:46:45

Evan Barrett: Now very interesting thing of course was a--all of the sudden a Convention had to be held and you had to have elections. And now they had to be partisan elections or following the current election law which is you had to have a Democratic Primary and you had to have a Republican Primary and third parties could qualify candidates for--by a petition methodology which I think there was a little New Reform Party that had some people that ran in Missoula. They didn't win but they--they ran.

00:47:13

Ty Robinson: That would be the place they'd run.

00:47:15

Evan Barrett: Yeah. *[Laughs]* And--and then here's some interesting figures. There were 247 Democrats and 232 Republicans filed for Delegates, none of whom were existing officeholders. Now there were some former Legislators. Okay and that was peeled down to about 280 people; 132 Republicans were--or 280 were eliminated, 148 Democrats, 132 Republicans so it--what remained was a group that ran along with 32 Independents, 32 Independents had filed by petition. And it was interesting because the results at the end were 6 Independents were elected out of--out of the 32 that were on--on the ballot.

00:48:02

And those Independents seemed like they reflected some of the mood of Montanans to be looking for a different way of doing things. You--you hardly ever see an Independent elected to the Legislature.

00:48:13

Ty Robinson: Not usually.

00:48:16

Evan Barrett: You know.

00:48:17

Jean Bowman: No.

00:48:15

Toni Hagener: It's rare.

00:48:17

Ty Robinson: It's not an instance it would happen.

00:48:18

Evan Barrett: The other thing though and it points to the activism you folks had with the League of Women Voters and AAUW was the emergence of women. How many women were running for it and how many were successful? You know in the 1971 Legislature there were only two women Legislators, Dorothy Bradley in the House, Toni Roselle in the Senate. But when the Con-Con election was done there were 19 women including you as Delegates to that Convention. Did that ever open a--well it made a big difference in the deliberations.

00:48:55

Jean Bowman: Well I felt no animosity from my fellow male Delegates. I think they accepted us as Delegates. You might not get that same response from all of the women. We used to have lunch every Sunday, any of us who could get together and sort of talk about everything. But I felt like we were accepted as equals. There was only one woman Chairman of a Committee and that was Louise Cross who--and I don't know if that made any difference or not. I happen to think that most of the Committee Chairmen were good choices including Louise. But I don't think she was chosen as the token woman. I could be wrong. She did a superb job. We were Delegates. It didn't matter what our gender was.

00:49:49

Evan Barrett: Now I want to call your attention that when you watch this and you go home and this is on the air, watch the beginning, because in the beginning in the introduction it says that *winds of change came to Montana* and real change came. And when that is happening there's a picture on the screen and that is a picture of the 19 women of the Constitutional Convention standing in the stairwell--.

00:50:17

Jean Bowman: Yes; I have a copy of that picture in my home.

00:50:19

Toni Hagener: Right; right. *[Laughs]*

00:50:20

Evan Barrett: Because I think that is emblematic of dramatic change that was going--taking place and that--and that opened the door for women to be in a much stronger role in Montana politics after--.

00:50:32

Jean Bowman: Oh absolutely.

00:50:32

Toni Hagener: Absolutely.

00:50:34

Jean Bowman: I agree.

00:50:34

Toni Hagener: Very much so.

00:50:35

Jean Bowman: But it was change without animosity I would say.

00:50:38

Evan Barrett: Yeah; yeah. Well that--that's really you know kind of intriguing that--16-percent of the candidates were women and 19-percent of the Delegates were women, so the women did a little better than the men did when it came to being elected. But the--the whole thing I want to ask your--and this came in the Convention itself and it's not on the run-up. I don't think there was a recommendation on this but it was perhaps one of the more important things that happened at the Convention to create cohesiveness was the decision to seat alphabetically rather than dividing by Party. Instead of saying all the Democrats here and all the Republicans here, the decision was to go A through Z and you sat next to who was your partner in the alphabet. What was your--do you remember how that happened and do you think that made any difference to--?

00:51:36

Jean Bowman: I think it made all the difference in the world. I don't know how it happened. I--it was apparently Chet Blaylock's suggestion. And I don't remember how it came about whether he--I don't know. But I think it was one of the reasons that we did so well.

00:51:54

Toni Hagener: Right.

00:51:55

Ty Robinson: Uh-hm; uh-hm.

00:51:56

Jean Bowman: We stopped thinking about people as Democrats or Republicans. They were Constitutional Convention Delegates. And [*Laughs*] the man who sat next to me, Jeff **Brassier** was a Democrat from Helena. And I usually got there a little later than he did because I had an administrative meeting before the Session started and so I would come in and he would always say *here comes the plague*. [*Laughs*]

00:52:23

Evan Barrett: The plague of women voters.

00:52:25

Jean Bowman: The plague of women voters. [*Laughs*]

00:52:27

Ty Robinson: Leave it to Jeff.

00:52:28

Evan Barrett: Yeah; Jeff was quite a guy you know.

00:52:30

Ty Robinson: Quite a guy.

00:52:31

Evan Barrett: We--again these--these changes were grassroots oriented though if you think about it. The Delegates that under the processes that--that happened you had a--a new prospective being brought.

00:52:51

Ty Robinson: Exactly.

00:52:52

Evan Barrett: You know I guess if you're not kind of frozen in--in place with believing in what's--when you're in power you tend to want to keep in power and you kind of want to keep the structure the same--status quo.

00:53:06

Ty Robinson: Very difficult to change.

00:53:07

Evan Barrett: Yeah; human nature is interesting isn't it?

00:53:09

Ty Robinson: Well I guess I would have to agree with parts of that; yes. Human nature was something interesting; sit in the lobby and watch these Con-Con people and at one point I wanted to bring out since it was a personal point, Jim [Garlington] was my partner and he'd come home on the weekends. So we'd discuss what was going on and it was very interesting to find--to just get on the minds of what you people were doing and how you were doing it.

00:53:35

I was there the day that they were bringing the Convention to a halt, where we were about ready to adjourn, but you were making the great argument as to whether it should be adopted. The fight was on. And I can remember my partner standing up and giving immortal words that this is the finest thing you can do for the generations of--.

And I think that was a--to me that was the turning point that day in the meeting of the Con-Con.

00:54:07

Jean Bowman: Well Jim was a Delegate that I think a lot of people looked at with a great deal of suspicion that he was probably there only to represent the interests of the Anaconda Company.

00:54:18

Ty Robinson: Anaconda Company; yeah.

00:54:19

Jean Bowman: And of course that was immediately dispelled. That was totally not the way Jim performed. And he had the respect I think of every single Delegate. And probably it was most noticeable because I think in the beginning everybody was saying well watch out for Jim [Garlington]. He's here to--he's got an agenda. No; he didn't have an agenda.

00:54:48

Ty Robinson: No.

00:54:48

Jean Bowman: I don't think anybody had an agenda. And it was remarkable.

00:54:52

Ty Robinson: Well you might have had some agricultural people who might have had--

00:54:55

Jean Bowman: That's possible. It--it could be that.

00:54:58

Evan Barrett: You know and it--well it is--it is interesting how this you know all developed and there were a lot of great things. Obviously we--we believe the Constitution itself, the product proves out that the process was good. I guess if you had--had a tainted process you wouldn't have had nearly this kind of a product. I mean it was so thorough and analytical and fact-based and--and yet we want to remember that we want from 65-percent support for calling a Convention to by the time the--the vote came it was 50/50. And there were powers that--of the status quo that fought very hard to have it not happen.

00:55:43

Did you find that--that was ongoing through the whole lead-up, that--?

00:55:50

Jean Bowman: I think many of us including me suspected that not everyone would sign the Constitution. But everyone did. And then that made me feel comfortable that we had 100-percent of our people--of our Convention Delegates who were going to go out there and try to get it passed, which is not what happened. And all these many years I've debated whether I think it was better if they hadn't signed it and just gone out and fought against it, but you know who knows?

00:56:24

Ty Robinson: Well it was a part of the process to move it forward when you didn't sign it.

00:56:28

Jean Bowman: Well that was what I thought. But I think that this could be used as an example of why process is so important. There are a lot of people that just want to get it done, whatever it is.

00:56:43

Ty Robinson: Jean I think you were very fortunate to have Leo Graybill as your Chairman.

00:56:47

Jean Bowman: Oh yes; we certainly were. He was the absolutely best choice we could have made.

00:56:51

Ty Robinson: Outstanding fellow. Bob Campbell tells me the story that Bob was pushing something and they lost it by quite a sizable vote by about 15--18 votes. Well Graybill sent a little piece of paper down to him that said try it again. And the next time he wins by 10 or 12 votes. Then the other time Graybill I think recognized that there was going to be quite an argument if something wasn't--so somebody got up to speak and Graybill said the matter is out of order. Bang; right on we went--that poor fellow never got to--. And he was ready I guess with--as Bob said that much information--.

00:57:36

Evan Barrett: He might have seen that stack. Well we are getting ready to wrap up the program here and I want you to know the Constitution is such an important part of this program. And--and your role as--like I say, I call you the Founding Grandparents of the modern day--modern Montana, modern Montana, governmentally and politically and sociologically--has been built around this period of change that occurred. And--and nobody played a more important role than--than you folks. And all three of you can look back with pride on what you've done. I'm sure you do.

00:58:12

But for those of us who were just all we are is the beneficiary of your experience and what you offered and what you did, and it--it leaves us--I mean I said this to the Constitutional Convention Delegates--there's 21 left right now--when we met two weeks ago that it was just an absolute honor to be in their presence, and I want to say it's an honor to be in your presence. And thank you for joining us on *In the Crucible of Change*.

00:58:41

Ty Robinson: We're pleased to have been here; thank you.

00:58:42

Jean Bowman: Well thank you for having us.

00:58:43

Toni Hagener: Right.

00:58:43

Jean Bowman: I sure appreciate it the opportunity.

00:58:45

Ty Robinson: Yes; thank you very much.

00:58:49

[Music]

00:59:48

[End Paving the Way-The Path to Calling Montana's 1972 Constitutional Convention]