

# Humanities **MONTANA**

presents

## *We the People:*

Conversations on the Montana and U.S. Constitutions

April 20–21, 2012

Campus Center, Carroll College  
Helena, Montana

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Humanities **MONTANA**



•311 Brantly •Missoula, MT 59812  
•phone: 406.243.6022 •fax: 406.243.4836 •toll free: 800.624.6001  
•info@humanitiesmontana.org •www.humanitiesmontana.org

**Chuck Johnson** is chief of the Lee Newspapers State Bureau, covering state government and politics for the daily newspapers in Billings, Butte, Helena and Missoula. His first major assignment was to cover the 1972 Constitutional Convention. Johnson has degrees in journalism and history from The University of Montana and studied politics and economics at Oxford University in England on a Rotary Foundation scholarship.

**Anthony Johnstone** teaches at the UM School of Law. Previously, he served as the solicitor in the office of the Montana Attorney General, where he represented the state in constitutional matters. Johnstone holds degrees from Yale University and the University of Chicago Law School, and clerked for the Honorable Sidney R. Thomas, United States Court of Appeals for the Ninth Circuit.

**Brian Kahn's** background includes work as a ranch hand, college boxing coach, director of the Montana Nature Conservancy, politician, and documentary filmmaker. His most recent book is *Real Common Sense*. A lawyer and journalist, he hosts the award-winning public radio program, *Home Ground*, and is recipient of the Governor's Humanities Award.

**Jim Lopach** earned a PhD in American government and public law from the University of Notre Dame. During his 39 years at The University of Montana he has served in various administrative and advisory capacities, taught state and local government and constitutional law, and directed the Bureau of Government Research.

**C. B. McNeil** earned his law degree from the UM School of Law in 1966. He has served as a district judge since 1984. He was elected and served as a delegate to the 1972 Montana Constitutional Convention. Judge McNeil's article, "A Clean and Healthful Environment and Original Intent," was published in *Public Land & Resources Law Review*.

**Jim Nelson** has served on the Montana Supreme Court since 1993 and has been a consistent and committed advocate for Montana's Constitution. Prior to joining the Court he engaged in the private practice of law in Cut Bank for nearly 20 years and was the Glacier County attorney for 14 years.

**Arlyne Reichert** was elected as a delegate to the Montana Constitutional Convention, the state legislature and to the Cascade County Local Government Study Commission. She appeared on the Montana Television Network as a legislative reporter and was active in the League of Women Voters.

**Jeff Renz** graduated from The University of Montana with a degree in botany in 1971 and in law in 1979. Renz has taught in the clinical program at the School of Law since 1993. His emphases are in civil rights, criminal law and procedure, and constitutional law.

**Stewart Rhodes** is founder and president of Oath Keepers. From a family of Mexican-American farm workers, Stewart served as an Army paratrooper and graduated from Yale Law School. He assisted teaching U.S. military history at Yale and was a Yale Research Scholar. He is writing a book on the dangers of applying the laws of war to the American people.

**Irma S. Russell** is dean and professor at the UM School of Law. She is chair of the ABA Section of Environment, Energy and Resources and of the AALS Section on Natural Resources. Previously, Russell was a professor and director of the National Energy-Environment Law & Policy Institute at the University of Tulsa.

**Pat Williams** served Montana in the U.S. House of Representatives for nine terms. He has taught at The University of Montana for 16 years and was recently appointed to the State Board of Regents.

**Niki Zupanic** is the public policy director of the American Civil Liberties Union of Montana. Prior to joining the ACLU, Zupanic served for six years as a policy committee consultant and legislative aide for the California State Assembly. She holds a degree from the University of the Pacific, McGeorge School of Law.

**Joe Balyeat** is a senator for Senate District 34. His views tend to be a mix of conservative, libertarian, and populist. Balyeat has written two books and numerous articles advocating limitations on the scope and intrusiveness of government.

**Glory Blue Earth-Highley** is registered Sioux under Fort Peck Assiniboine and Sioux Tribes. She volunteers in the public schools in Anaconda reading Native American stories and talking about native culture. She is a living history interpreter for the Nevada City Museum.

**Bill Bronson** is serving his second term on the Great Falls City Commission. Previously, he was a City of Great Falls Local Government Study commissioner and chairman of the planning board and zoning commission. He received degrees in economics, public administration, and law from the University of Montana.

**Bob Brown** is a Navy veteran, history and government teacher, and longtime state legislator. Since retiring from the Mansfield Center at UM in 2010, Brown has taught at Flathead Valley Community College, serves on the boards of the Montana Food Bank Network and the Montana Historical Society, and writes a column for state newspapers.

**Steve Bullock** is Montana's 20<sup>th</sup> attorney general. Bullock began his career in public service in 1996 as chief legal counsel to the Montana Secretary of State. He has served on many boards and organizations, including the Public Policy Council of the Montana Nonprofit Association, and the Lewis and Clark County Historic Preservation Commission.

**Dan Clark** works as the director of Montana State University's Local Government Center. Previously, he served as the statewide director for the Montana Horizons program addressing issues of poverty in rural Montana communities. Clark served as the mayor of the City of Choteau and the MSU Extension Educator in Teton County.

**Patricia Cotter** was elected to an eight-year term on the Montana Supreme Court in 2000, and was re-elected to the Court in 2008. Prior to her election, Pat and her husband, Mike, practiced law as partners in the Great Falls law firm of Cotter & Cotter.

**Raymond Cross** is a graduate of Stanford University and Yale Law School. He has taught law at The University of Montana School of Law since 1993. He is a member of the Three Affiliated Tribes (Mandan, Hidatsa and Arikara Nation) of the Fort Berthold Indian Reservation.

**Wade Dahood** is a senior partner in the Anaconda law firm Knight, Dahood, Everett & Seivers. He received his degree from the UM School of Law. In 1972, Dahood was chairman of the Bill of Rights Committee of the Montana Constitutional Convention, which framed broader protection for the rights of all Montana citizens.

**Mae Nan Ellingson** was the youngest delegate to the Constitutional Convention and was voted one of the most effective. Ellingson went to the UM School of Law, and practiced law for 35 years. Her legal specialty was public finance, which enabled her to be involved with state and local governments her entire career.

**Carl Graham** is CEO of the Montana Policy Institute, a free market think tank based in Bozeman. Carl was born in Glasgow, Montana, graduated from Montana State University, and is a 20-year Navy veteran. He and his family currently reside near Bozeman.

**Betsy Griffing** has practiced law for over 30 years and teaches at the UM School of Law. As legal director of the ACLU of Montana and supervisor of the appellate bureau in the attorney general's office, she litigated cases involving rights to dignity, privacy, and equal protection and the prohibition against cruel and unusual punishment.

**Danna Jackson** is an assistant attorney and tribal liaison for the U.S. Attorney's Office for the District of Montana. Jackson worked in Washington, D.C., for a decade in tribal law and policy. She served as visiting faculty for the UM School of Law's Indian Summer Program and is on the board for the American Indian Graduate Center.

## Special thanks to the following organizations and individuals for supporting civil and informed conversation in Montana.

### Sponsors (provided funding)

Humanities Montana  
Carroll College  
Helena Education Foundation  
Montana ACLU Foundation  
Montana Historical Society  
Montana League of Women Voters  
Kay and Jim Driscoll, in memory of Donald C. Robinson

### Partners (helped plan event)

Burton K. Wheeler Center  
Local Government Center, Montana State University, Bozeman  
Rocky Mountain College  
The University of Montana School of Law



## Friday, April 20, 2012

- 1:30 **Welcome and Introduction of Conversations**  
Ken Egan, Humanities Montana  
Steve Bullock, Montana State Attorney General  
Senator Jon Tester, message read by Shannon Lewis
- 1:45 **First Conversation**  
**The Bill of Rights and Declaration of Rights**  
Moderator, Mae Nan Ellingson  
Wade Dahood, Betsy Griffing, and Jim Nelson
- 3:00 Break
- 3:15 **Second Conversation**  
**Native Peoples and Constitutions**  
Moderator, Ray Cross  
Glory Blue Earth-Highley and Danna Jackson
- 5:00 **Reception at Montana Historical Society**  
Featuring a display of the Montana Constitutions
- 7:30 **Keynote Conversation**  
**Representative Government and Free Enterprise: What Were the Founders Thinking?**  
Moderator, Patricia Cotter  
Carl Graham and Brian Kahn

## Saturday, April 21, 2012

- 9:00 **Third Conversation**  
**The Environment and Constitutions**  
Moderator, Irma Russell  
Joe Balyeat, C. B. McNeil, and Arlyne Reichert
- 10:15 Break
- 10:30 **Fourth Conversation**  
**Local Government and Constitutions**  
Moderator, Jim Lopach  
Bill Bronson and Dan Clark
- Noon **Luncheon Honoring Delegates to Constitutional Convention**  
Chuck Johnson, "A Reporter's Perspective on How the 1972 Constitutional Convention Changed Montana"
- 1:30 **Fifth Conversation**  
**State Sovereignty in Two Constitutions**  
Moderator, Jeff Renz  
Anthony Johnstone, Stewart Rhodes, and Niki Zupanic
- 2:45 Break
- 3:00 **Summing Up**  
**Issues and Resolutions in Two Constitutions**  
Bob Brown and Pat Williams
- 5:00 **Farewell Reception: Honoring Humanities Heroes**  
Betty Babcock, Helen and William Ballinger, Elouise Cobell, Leslie Davis, Barry Ferst, Ed Noonan, Yvonne Seng, Bonnie Williamson