Jerome Leondorf and Eric Dietrich, 2021 October 25

Eric Dietrich [00:00:00] So this is Eric Dietrich, and I'm here with Jerry Loendorf, who was a delegate to the 1972 Montana Constitutional Convention. We're speaking on October 25, 2021 in Helena, Montana. So to start off with, Jerry, where were you living in 1971 before the convention? What were you doing, what was your occupation and what political party were you affiliated with?

Jerry Loendorf [00:00:20] I was living in Helena and my occupation was I was a lawyer in private practice with the firm Harris, Loendorf & Poston and I ran as a Republican.

Eric Dietrich [00:00:38] Yeah. Where, did you pick the party to run or were you a Republican before?

Jerry Loendorf [00:00:42] Well, I had to pick the party.

Eric Dietrich [00:00:44] Oh yeah, yeah, yeah. Oh, cool. Why did you choose to run to be a delegate of the Constitutional Convention?

Jerry Loendorf [00:00:50] Well, I never really planned to until the Supreme Court decision, which eliminated the legislators from running, and then it was a wide open thing. And then just when I read that decision, I just thought, or read of it. I thought, 'You know, that's something I'd like to do.'

Eric Dietrich [00:01:07] Why did they eliminate legislators from running?

Jerry Loendorf [00:01:11] The Constitution then, the 1889 Constitution, had a provision that says in effect, legislators cannot hold another public office during the term they're elected for. And legislators, some of the legislators, took that to court and didn't prevail.

Eric Dietrich [00:01:33] So they're trying to say that the Constitutional Convention wasn't a public office?

Jerry Loendorf [00:01:37] I don't know what their arguments were. I just read the results but.

Eric Dietrich [00:01:41] So that's it that inspired you to get involved?

Jerry Loendorf [00:01:43] Right.

Eric Dietrich [00:01:44] Yeah. What did you think you could contribute?

Jerry Loendorf [00:01:47] At the time I was very interested in the Legislature. You know, living in Helena, I had observed it and you know, there were a lot of things that happened up here I didn't agree with, particularly the exclusion of the public from the process. You know, back then, you know, people don't realize that. No, I don't think. But the committees, they did hold hearings. But when they discussed the bill, they met in private. You were ushered out, the door was closed and their vote was private and never recorded. And the effect of that was that that carried over to the floor too in the committee of the whole debate stage. They didn't record votes there. But you could the public could come in and listen to the debate. But the debate on second reading after it was finished, the vote was taken and it was never recorded. Only if a bill made made it to third reading was there recorded vote and that was required to be kept in a journal. So that was, I think, the big thing that I was concerned about with the Legislature. And the other thing was was the sessions of the Legislature were so restricted. In fact, I ran on, that was one of the issues I ran on. But anyway, as you know, the Legislature was limited to meetings 60 days every two years by the prior constitution. And and you know, that might have worked out fine in the 1890s. But by the time we got to 1972, you know, the population had increased tremendously. The number of counties in the state increased from, I think it was 16 to the 56 we have now. The number of public agencies had increased from thirty-eight to one hundred and sixty three, and they were going through the process of executive reorganization being reorganized into 20, not more than 20 departments. They were actually reorganized into 19 at that time. The 20th was added later. And, you know, the complexity of legislation was, uh, had changed significantly, I mean, you were getting bills for a hundred or several hundred pages long. And the Legislature just wasn't finishing its work in the 60 day period. And to get it done, they just kind of, you know, had the semblance of hearings. They would have

a hearing, but they might give 10 minutes to each side. And if there were five people there on a side, you got two minutes and you couldn't really say anything in that period of time. So it wasn't functioning well. It didn't complete the work in the 60 days. I mean, it had been a long time before '72 that they had ever completed a session in 60 days. The last session before the convention lasted over 100 days. I want to say a hundred three. I'm not sure of that, but it included the 60 day session, plus two special sessions and the bad thing about those special sessions, or it's not bad, I guess, but I didn't think was right, was only the governor could call a special session. So when the Legislature finished their 60 days, he called them back in. But the governor controlled them then, but the scope of that session was limited to whatever he itemized in his call. So it might have been only the budget. So you could have the budget committee up here working and, you know, another 80 legislators wandering around looking for something to do. It was very inefficient. But so that was, you know, another major concern I had about the Legislature was a restriction on the sessions, the length of sessions when they could occur and the lack of control the Legislature had after the 60 day period. The governor really controlled them for, you know, two years, except for that 60 day period. And I just didn't think they could be an adequate check on the executive branch and fulfill their function, as, you know, separate but equal branch of government,

Eric Dietrich [00:06:32] Were there are other shortcomings of the prior state constitution or were those the big things?

Jerry Loendorf [00:06:36] Those were the big things with me. But there were, you know, I think we made other improvements. There were a lot of shortcomings in the other constitution. The Legislative Council identified a ton. Their report, you know, pretty much concluded we needed a convention because there was so many problems with the Constitution and a big one was there was so much legislation in it. It's, you know, a constitution should consist principally of a statement of rights, a Bill of Rights we call it, and then a structure, a government, then some identification of its functions, but structure of government by which our rights, you know, structure of government that will protect our rights and where we can protect them. As you know, I think probably all constitutions in this country are just based on protecting our rights. We have that concept of ordered liberty. We want all the liberty we

can get, but not so much that we cause chaos. And I believe that's referred to as ordered liberty. You know, and couple examples would be just, you know, you and I probably drove here in our vehicles. We observed speed limits, stop signs, yielded at intersections. Those are restrictions on our liberty, but they're reasonable strictures and they're there so we can all proceed with greater safety. Same way, if you go to the right to bear arms, we have one in federal constitution as well as our own. But you know, it's subject to reasonable restrictions. We don't get to carry a bazooka around or have a tank in our backyard. You know, it's uh, a constitution is just a pretty reasonable document.

Eric Dietrich [00:08:34] I wanted to ask you about the Convention itself. We're sitting on the floor of the Montana House right now where the Convention took place. Does this room bring any particular memories to mind for you?

Jerry Loendorf [00:08:45] Well, the the memory it brings to mind most, I don't know why I recall the guy, but a guy named Norris Nichols was chairman of the Appropriations Committee and, um, on second reading, you know, that's the debate stage where bills are debated on the floor, that committee would go in that there was a room over there. Then I see there's a different door there, probably now, but they would go in there and work because you could not get the budget done with the time that was available when after adjournment and they went in there and didn't participate in the debate when it was time to vote. They came out and of course, always voted on third reading. But I and I don't know why I remember that, but that's what I remember prior to the Convention. The Convention, I just remember a lot of different things that took place on the floor.

Eric Dietrich [00:09:50] Any, any particular stories that are worth sharing here?

Jerry Loendorf [00:09:53] Well, I guess I hadn't thought of any.

Eric Dietrich [00:09:57] OK. The one that I always hear about is about how delegates were seated alphabetically instead of by party.

Jerry Loendorf [00:10:02] Yeah, that was one of the good things I think that happened, that took the politics out of the convention.

You know, as far as I was concerned, it didn't exist here. My seat was between a Democrat and a Republican, but I didn't know the difference. They just became good friends. And but everybody at the Convention was able to discuss things. You know, there was never any name-calling there or derogatory remarks made or any attempt to denigrate anybody. It was just handled well. We had a great president. He just did a wonderful job, you know, and we were an inexperienced group. But, you know, parliamentary debate. So but we got through it.

Eric Dietrich [00:10:49] Do you remember anything in particular about the delegates who were sitting next to you?

Jerry Loendorf [00:10:53] Yeah, John Leuthold was on my left and he was a gentleman might be about as old as I am now. I thought he was quite old and he didn't say a lot. He was very quiet guy. And Pete Lorello was on my right. He was from Anaconda. Good guy. He didn't speak a lot during the convention either.

Eric Dietrich [00:11:17] But so were you the loud one then?

Jerry Loendorf [00:11:20] In that, of those three, I would have been, but I don't think I was very loud either. But I did enjoy the debate.

Eric Dietrich [00:11:30] Right. And can you give us an example of an issue that came up for a delegate or a debate that you remember learning a lot from that kind of maybe changed the way you thought about the state?

Jerry Loendorf [00:11:42] Yeah. Jim Garlington at one point in the Convention, it was right after I had sat down. I had presented the section on sessions in the Legislature, and he talked a bit about how he was going to conduct himself during the Convention that matters that were constitutional he would consider, vote for, but matters that were statutory, even if they were, you know, well supported but not vote for that didn't belong in the Constitution. And and he tied that into the debate. We had had that he said he wasn't going to speak, you know, any more often than necessary. But the debate we had had coming into that particular section of the legislative article, it had just taken an extremely long time to get through some things and in effect said we're behind our time

and you know, we don't observe our principles, just vote our principles and not have quite so much discussion. We won't get get her done in time, you know?

Eric Dietrich [00:13:06] I also wanted to ask you about... So none of the Convention delegates were American Indians. How did you feel about that at the time? And did you or the other delegates try to do anyth-? Was that something that you...

Jerry Loendorf [00:13:17] A few of the other delegates tried to what?

Eric Dietrich [00:13:19] Did you, was that something that you and the other delegates tried to accommodate in any way?

Jerry Loendorf [00:13:30] The fact that there were none, I guess, uh, I didn't really think about at the time, but when you say there was no way to accommodate them, then at the Convention, but if you notice the Constitution itself included provisions that recognize them and required our educational institutions to recognize them. Those, I think, were well supported by the convention. I doubt that there was any opposition to them at all. I just can't remember. But there was, you know, a concern about the American Indian. I grew up on a reservation, so I, you know, shared those concerns.

Eric Dietrich [00:14:19] I guess I should ask you where you grew up?

Jerry Loendorf [00:14:21] I grew up in on the Fort Peck Reservation. Wolf Point was the city I grew up in.

Eric Dietrich [00:14:27] Yeah, yeah. Right. How did you end up in Helena from, from Wolf Point?

Jerry Loendorf [00:14:32] Well, I went to college here, I went to Carroll College and then I went to law school. And of course, I had to figure out where I wanted to live and from a standpoint of practicing law. You know, Helena, it just kind of stood out to me as a good place to be. And I was, you know, fairly well acquainted in the town from having attended college here. At least I wasn't walking in as a stranger.

Eric Dietrich [00:15:02] Right, right. So during the Constitutional Convention, the primary committee you served on was the legislative committee.

Jerry Loendorf [00:15:07] Right.

Eric Dietrich [00:15:08] Can you talk about a little bit, about what the focus of that committee was?

Jerry Loendorf [00:15:13] Well, the focus of a committee was, you know, like we've already talked about to improve the legislative process. And another thing we talked about quite a bit in the committee was single member legislative districts. And as you know, now Montana's divided into 100 House districts and we elect one member from each House and 50 Senate districts, which are composed of two House districts, and we elect one senator from each Senate. The big concern there was, uh, for transportation particularly from the metropolitan areas Cascade County and Yellowstone County, where Great Falls and Billings were located, and those were the two biggest cities in Montana at the time. They each elected twelve members to the House, each of those counties. And I remember the people from Yellowstone County at the Convention complained a lot about that. Chet Blaylock, who lived in Laurel, would tell you how there was almost never a representative, I can't remember how long it went back, but had had been elected from Laurel, which is a fairly large city but close to Billings and in Yellowstone County. So he said Billings, particularly the north side of Billings, elected all 12 people. He said the south side of Billings even was seldom, if ever, represented in the Montana House.

Eric Dietrich [00:16:54] Didn't the state elect multiple members for each district at one point?

Jerry Loendorf [00:16:56] Yes. Yeah.

Eric Dietrich [00:16:57] Was that part was that part of that?

Jerry Loendorf [00:16:59] Yes. And they're like they elected twelve members of the House. So did Cascade County. So in effect, in the general election, if there was contested, which they were in those days, you had to evaluate twenty-four candidates just to make your House vote. And we just felt, you know, the voter

maybe knew two or three or could take the time to find out about them. But twenty four...That just wasn't working. And that, you know, voters would make a much more educated vote if they just voted for one representative and one senator. And we had residency requirements too about, you know, that a person had to be a resident of the state of Montana and a resident of the district if the district comprised more than one county. Over in eastern Montana there are at least one district that I think has four counties in. But and then you had to be a resident of the county if your district was, excuse me, a resident of the county, if there were more than one districts within that county. So you didn't have to be exactly in the district like if you were in. Uh...um...

Eric Dietrich [00:18:25] Billings or...

Jerry Loendorf [00:18:25] This what's this, Lewis and Clark County here?

Eric Dietrich [00:18:28] Helena, yeah.

Jerry Loendorf [00:18:28] Yeah, where I live.

Eric Dietrich [00:18:29] Right.

Jerry Loendorf [00:18:29] You know, we have a number of districts here, but someone on the east side of Helena can run for the district over on the west side. And that I don't have any problem with. I mean, people are well enough acquainted with the whole city and the whole valley. This whole what we can call it, a metropolitan area, I guess although it's fairly small.

Eric Dietrich [00:18:56] Yeah, the metro status.

Jerry Loendorf [00:18:58] But in Montana, it has this status, I guess. But but anyway, you have then candidates who are familiar with the area they're from from, and the voter has a much greater chance of knowing the candidate or knowing somebody who knows them finding out about them other than through the campaign literature. You know, which doesn't tell you everything you may want to know about a person's character.

Eric Dietrich [00:19:27] Right. So kind of on that same note, so between the House and the Senate, Montana has a 150 lawmakers under the 1972 Constitution for a population that these days is just about one million people. That's actually a lot more legislators per person than we have in many other states in the country.

Jerry Loendorf [00:19:44] Correct.

Eric Dietrich [00:19:45] Was that something that was a deliberate thing you were thinking about at the Convention?

Jerry Loendorf [00:19:50] Yeah. You know, people talked about the fact California only had 80 representatives, some 40 senators. But in this state, people kind of wanted a representative in their backyard. And that feeling was there. And if you didn't respect it, you know, I don't think the Constitution would have passed. It's. You know, people wanted the one hundred House members.

Eric Dietrich [00:20:20] We hear a lot even now about how that that's one of the things that gives us a citizen legislature or citizen legislature?

Jerry Loendorf [00:20:27] Right.

Eric Dietrich [00:20:27] Yeah, is is, do you think that's something that served the state well for the last 50 years?

Jerry Loendorf [00:20:32] I think so. Yeah, I would rather have a good citizen legislature with some term limits. I didn't really favor term limits back in the days when I was at the Convention, but I thought, you know, people can elect whoever they want, they'll they'll make the choice. But term limits help the legislator too I think they're not trying to make a home for themselves, like, particularly in Congress. I really think what I see there isn't good. I mean, all the benefits they have and the things they do, it seems like to stay in office as opposed to, you know, do some good for the home district. I I really think, you know, the type of system we have where people know their legislator and he has to go back in account to them and he's going to have to go back there and live there when his term is up, you know? And uh, I think the legislators are just more accountable here than and or definitely in Congress. And I suspect in a place like California too, you know, people

probably don't even know their legislator in California, right, or who they are even.

Eric Dietrich [00:21:59] All right. One of the other big debates at the convention was whether to switch the Montana Legislature to a single elected body instead of having a separate House and Senate. Which side of that debate were you on?

Jerry Loendorf [00:22:15] I liked the conclusion we came to of putting as a side issue. I was a little concerned about the unicameral Legislature, not because I didn't think it couldn't function well and maybe even function a bit better, but because I just thought that was too big of a change. You know, the voters in Montana, if you told them they're only going to have one House instead of two? Yeah, I had some doubts that they would accept that.

Eric Dietrich [00:22:44] So you're thinking about what it would take to get the Constitution you're writing adopted?

Jerry Loendorf [00:22:48] Yes. And I felt very strongly on some of those things like the the death penalty, which was a side issue and gambling, which was a side issue. You know, we had to put either of those in the Constitution one way or other would have created enough no votes that the Constitution would have never passed. So you when you're preparing a, you know, a larger document like that as opposed to a one page bill in the Legislature, I think to have to be fairly conscious that you can only have so much controversy in there and and people focus on those things like gambling and the death penalty would have been talked about a lot more than some of the much more important things. Well, maybe not more important than the death penalty that we're dealing with the right to life there, but gambling, certainly. I mean,

Eric Dietrich [00:23:45] But those hot-button issues versus the nuts and bolts issues.

Jerry Loendorf [00:23:49] Yeah.

Eric Dietrich [00:23:50] Yeah, yeah. There's also a lot of debate before and after the Convention about whether the Legislature should meet every year as opposed to every other year.

Jerry Loendorf [00:23:59] Right. I was involved in that. I was involved on the annual session side. I thought the reasons for an annual session were more convincing to me than the reasons for supporting a biennial session like in the annual session, like the budget, particularly, you look at that every year. You know, most businesses and any large business has an annual budget. And with anything, I think the further you try to project into the future, the greater the chance of error. So you just would have more accuracy and problems didn't, weren't, biennial. They came up when they came up. So being able to address them every year, I thought, was important. And then at that time, Congress was passing legislation they often referred to as revenue sharing still do today. And in a state like Montana, you know, if we were meeting every two years, just about all those revenue sharing bills required some legislation by the state. You know, you're two years from getting the money instead of one year, so.

Eric Dietrich [00:25:20] Right. And of course, the voter that the convention settled on annual sessions and then the voters overruled...

Jerry Loendorf [00:25:26] Right.

Eric Dietrich [00:25:27] ...a couple years later.

Jerry Loendorf [00:25:28] You know, and I did speak often in favor of annual sessions to groups during that two year period, studies that show and that there was a lot of buck passing between the Houses, a bill introduced in one House. You know that they thought maybe should be killed, but it was kind of popular in some areas, so they would send it over to the other House and they would have to make the final decision then. And it was. And one of the studies I recall was, I think it indicated about 90 percent of the bills killed were killed in the first House. Oh, it was a very large percentage. So the second House is a check, right? It was kind of an illusion to a degree. But, you know, looking back on it, I don't feel badly that we went to biennial sessions. We kept some of the things I thought were maybe more important for the Legislature being able to extend the session and the Legislature having control of the special session were more important to me than I think annual/biennial and, um, the people generally favored biennial

sessions, well, that votes showed they favored them strongly, and I know we just have kind of a maybe a Jefferson attitude toward that, wasn't he the guy that said the government that governs least governs best?

Eric Dietrich [00:27:12] I believe so. That's the limit limit to how much governing the Legislature can do.

Jerry Loendorf [00:27:15] Yeah, yeah. So in any event, we have had biennial sessions and you know, they we seem to function OK with them. Hmm. Right. The other thing it does, you know, you were talking about the the citizen legislature. I think the biennial session makes it easier for a lot more people to run.

Eric Dietrich [00:27:40] Because you don't have to be away from your job every year, it's only every other year.

Jerry Loendorf [00:27:43] Right. You're yeah, like people who, well, like work in the teaching profession. You know, if they had to be away from their job every year and their job is principally, you know, a nine month job, although they, you know, have other requirements for off year. But I think it would, you know, to have to leave for 90 days your job. And it really works out to more like 120 days with when you take the weekends off four months out of a nine month job every year. You could hardly call yourself a full time employee employee. So I think it would make it hard for a lot of people to run.

Eric Dietrich [00:28:28] All right. One other thing I wanted to ask you about was that the 1972 Constitution specifies that most bills the Legislature passes must address only a single subject.

Jerry Loendorf [00:28:39] Yeah.

Eric Dietrich [00:28:39] What was the purpose of that provision?

Jerry Loendorf [00:28:41] Yeah. Well, we had it in the prior constitution, too. And it's a provision I very much supported, sometimes called, uh...That was what the bill had to be clearly expressed in the title. Right?

Eric Dietrich [00:28:58] Right.

Jerry Loendorf [00:28:59] You know, these longer bills, you know, if you had a title that didn't cover squirrels and it was a bill about cattle and, you know, horses and so forth, and you put something in about squirrels at the end or somewhere in the bill, you know, the people who are concerned about squirrels wouldn't have got notice. It allows you to read the bill or read the title to the bill and know if it's a subject that concerns you, as opposed to reading 50 pages of the bill to make sure there's nothing in it that concerns you.

Eric Dietrich [00:29:34] So it's another one of those provisions that's intended to help it make it easier for the public to follow the process.

Jerry Loendorf [00:29:38] Right. Easier for the public and definitely... In fact, that example was given on the floor by the delegate from Shelby, Cedor Aronow. He says up in Great Falls, he says, we read the Great Falls [Tribune] or up in Shelby, we read the Great Falls Tribune and the Great Falls Tribune publishes the title of all the bills. We read those titles, just to stay in tune.

Eric Dietrich [00:30:10] So, right, um. Oh, the Constitution also specifies that legislative districts must be drawn by an independent redistricting commission instead of the state legislature itself, as is the case in many other states.

Jerry Loendorf [00:30:23] Right.

Eric Dietrich [00:30:24] How do you think that's worked out?

Jerry Loendorf [00:30:26] Uh, it hasn't worked out as well as I would like, but it's, you know, the Legislature itself was unable to do that job very well, you know, because every time they changed a line, it affected whether somebody could be reelected or not. And that just made it difficult. I can remember a legislator the first year they had to debate that bill after the U.S. Supreme Court came down with the one man one vote rule. He said 'If this is the plan we're adopting then all I've got to say is goodbye,' you know, and that's it made it difficult for, uh, it it's difficult to, uh, eliminate your job or it's uh, and, um.

Eric Dietrich [00:31:20] What was it about? What was it about the district of the Independent Districting Commission that hasn't worked out as well as you would hope?

Jerry Loendorf [00:31:29] Yeah. Well, you know, it's made up of people who are don't hold public office. Hopefully, nonpartisans, but four of the members are appointed by the leadership of the two parties. Each party appoints, in effect, two members. So those four members are and you would expect them to be partisan. And their job then is to select a third, fifth member who will serve as the chairman. And they simply can't agree on that because each one wants someone they think may favor, you know, their position. So we named the Supreme Court as a person to select the chairman. If the four members have been unable to in the Supreme Court has been doing it, and it seems to me it's been a partisan most of the time they go to go with one side or the other, whereas this time I got some hope from what I've been reading in the paper, the chairman, the Supreme Court, appointed this a former mediator, and she is trying to get the two sides to agree. And the two maps I've seen in the paper of the, uh, dividing the state in two congressional districts, you know, they're closer to reasonable than anything I've seen in the past.

Eric Dietrich [00:33:03] Yeah, I guess we're not to a final map yet.

Jerry Loendorf [00:33:06] And that's a hard job. I just don't know how you take politics out of a political system. So.

Eric Dietrich [00:33:18] So now that we've had the Montana Constitution, the 1972 Constitution, for 50 years. Are there any things that you would change about how the Legislature set up?

Jerry Loendorf [00:33:32] I would not try to change anything. And I hadn't really thought about that. You know, I think mostly about how it can function within the system we have. And it's a pretty good system. I yeah, there's nothing significant. I don't think I would change, you know, so long as it stays open to the public, we record the votes and we elect people from single member districts. I don't know that we can do a lot better than that.

Eric Dietrich [00:34:08] So I wanted to ask you about the ratification process too. Particularly, I heard that Betty Babcock had played an important role here in Helena.

Jerry Loendorf [00:34:16] Right.

Eric Dietrich [00:34:17] What was the campaign to get voters to take the project at the convention it produced and approve it like?

Jerry Loendorf [00:34:28] Well, here in District 12, which included Lewis and Clark County and Broadwater and Jefferson County, which I was a delegate from, along with Betty Babcock, George Harper, Geoff Brazier, Charles Mahoney and Bill lost his name. I'm sorry. [Ed: Possibly William H. Artz from Great Falls/District 13, William A. Burkhardt from Helena/District 12, or William H. Swanberg from Great Falls/District 13]. But anyway, we traveled around. A lot of people wanted speakers for events, and Betty and I and George particularly were out a lot. Speaking to groups and, uh, I didn't run into much opposition in those groups within the county, but where we, I did was the Farm Bureau was a group that chose to oppose the Constitution and they were having their convention over in Fairmont. And I was over there speaking at it. I can't remember why, but what I can remember is standing on this stage and a young guy about my age down on the floor challenging it, you know, 'How could you draft something like that?' He said, you know, and he never would point to anything in it. I don't know if he'd even read it. But, you know, I just felt bad that he and I both the same age, you know, couldn't communicate. That was so one bad experience I had with it. And then the the other thing we did, we we had a little television. Leo Graybill and I debated two people from Great Falls on a Great Falls station, I don't remember what it was, but. I really felt good about that debate. You know, I'd watched the Nixon-Kennedy debates and heard a lot about them, so I told Leo,' We'll wear makeup,' and we did. I don't know if the other guys did or not, but but I learned from watching the Legislature. One of the things that helped me in a convention, you know, when you got a chance to speak, speak and, you know, keep the floor, that time goes by pretty fast. Like we I think we just had an hour and, uh, the other two people, you know, that we ask a question wouldn't say much so, but Leo and I chose to talk and I thought just because of that, you know, we got a lot more information out than they did. Right? So the other thing about the

ratification campaign was, uh, we had saved a lot of money. I can't remember the amount, but quite a bit.

Eric Dietrich [00:37:27] Out of the convention budget?

Jerry Loendorf [00:37:28] Out of the convention budget and we were going to use it for voter education and that was challenged in the Supreme Court. And it was the only case I'm happy to lose in the Supreme Court, looking back. But the Supreme Court held we could not spend the money that we were when we adjourned, we were essentially done. But the problem I thought that we would have had had we been allowed to spend the money is how do you draw a line between educating and advocating and and we would have maybe been debating that rather than debating the issues we should be talking about. So I really think that decision helped us rather than hurt us.

Eric Dietrich [00:38:24] Ultimately, the vote to ratify the Constitution was fairly slim, wasn't it?

Jerry Loendorf [00:38:28] Yes, it was just 2500 votes alone and there was litigation over that too.

Eric Dietrich [00:38:35] Oh wow. And my understanding is that rural areas generally tended to be less supportive of it than urban areas were.

Jerry Loendorf [00:38:41] That's how it worked out.

Eric Dietrich [00:38:43] Yeah. What did you make of that divide?

Jerry Loendorf [00:38:45] I just think it was because we didn't get out to the rural areas as much. It that was what I thought, but I, you know, I have no real, no way of proving that, but the guys I talked to from rural areas just sit down and talk to them. I mean, they were OK with it.

Eric Dietrich [00:39:14] Right. So then, of course, every 20 years, the people of Montana vote on whether to keep the 1972 Constitution or rewrite it and do the convention again. If that ever happens, what parts of the '72 constitution would you encourage people to keep or to change?

Jerry Loendorf [00:39:32] Well, the one thing that'd be first on my list to take out of it would be an amendment that was made to the Constitution called Marcy's Law. It's good legislation, but it doesn't belong in the Constitution, and people are looking at putting things in the Constitution because the Legislature can't change them, but they're the type of things the Legislature should be looking at, you know.

Eric Dietrich [00:39:58] Marcy's Law was a crime victims bill of rights, wasn't it?

Jerry Loendorf [00:40:01] Yeah, it almost doubledthe length of the Bill of Rights, I think. You know, instead of having a constitution that's concise and, you know, limited to the Bill of Rights and the, you know, our traditional rights and a structure of government, you know, we can have volumes.

Eric Dietrich [00:40:24] So if in the future we end up with a new Constitutional Convention called what would your advice be to the people that were in your shoes as future delegates?

Jerry Loendorf [00:40:34] It would be very simple, it would be, you know, make sure you put in the Constitution what belongs in the Constitution. Again, a bill of rights, a structure, a government and don't let yourself get involved in legislation.

Eric Dietrich [00:40:51] Thank you so much for your time today, Jerry.

Jerry Loendorf [00:40:53] Pardon?

Eric Dietrich [00:40:53] Thank you so much for your time today.

Jerry Loendorf [00:40:54] Oh, sure.

Eric Dietrich [00:40:55] Yeah, I appreciate you taking time to chat.