BILL OF RIGHTS COMMITTEE

Place of meeting: Room 331     Date of meeting: 2/9/72
                                      Hour of meeting: 10:15 AM

Committee Chairman: Wade J. Dahood

MINUTES OF THE EIGHTH MEETING OF THE BILL OF RIGHTS COMMITTEE

Subject of meeting: Bill of rights, proposals.

Roll Call:

Wade J. Dahood, Ch.                  present
Chet Blaylock, V. Ch.                present
Bob Campbell                        present
Dorothy Eck                         present
Donald R. Foster                    present
R. S. (Bob) Hanson                  present
George H. James                     present
Rachell K. Mansfield                present
Lyle R. Monroe                      present
Marshall Murray                     present
Veronica Sullivan                   present

DISCUSSION:

The committee continued their study of the delegate proposals. The following decisions were made:

#33 - Adopted with the following change: "The right of privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest."

#38 - Adopted, with the following change: drop the second sentence and leave the first sentence as is.

#45 - Adopted with modifications.

#50 - out

#51 - out, included in 61.
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#55 - Out.
#57 - Adopted, place next to 38.
#59 - Preamble, will be decided on later.
#61 - Adopted, with modifications.
#65 - Adopted, with modifications.
#67 - Preamble, will be decided on later.
#75 - Use in rough draft.
#81 - Out.
#86 - Preamble, will be decided later.
#87 - Out.
#88 - Out.
#93 - Out.
#98 - Out.
#100 - Out.
#103 - Out. Will cover this in our Committee Report.
#116 - Adopted with modifications.
#118 - Preamble, will consider later.
#124 - Out.
#125 - Out, included in 75.
#132 - Adopted, with modifications.
#133 - Adopted.
#151 - Place in rough draft for discussions.
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#153 - Out.
#160 - Out, covered in 61.
#163 - Out, with strong memorandum to Legislature.
#165 - Out.
#167 - Adopted unanimously.

The Committee recessed until 3:00 P.M.

A petition was received with many signatures requesting us to include "without registration" in the right to bear arms section.

It was decided to give our rough draft to the press. We are to send it to all the editors in the state. Marshall Murray has a list of same.

The subcommittee presented Sections 3, 10, and 26. These sections were adopted with modifications. A copy of the subcommittee report is attached.

Recess until 8:00 P.M. to decide on the rough draft.

The Committee met at 8:00 P.M. and drew up the rough draft of the Bill of Rights.

A copy of all New Provisions is also attached.

[Signature]
Nade J. Dahood, Chairman

[Signature]
Secretary
Section 3. All persons are born equally free, and have certain natural, essential, and inalienable rights, which include the right of enjoying and defending their lives and liberties, of acquiring, possessing, and protecting property, and of seeking safety, health and happiness in all lawful ways. In accepting these rights, the people recognize and accept certain corresponding responsibilities.

Section 10 No law shall be passed impairing the freedom of speech and expression; every person may speak or publish freely, being responsible for the abuse of that liberty. In trials for libel, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

Section 26 The people shall have the right peaceably to assemble and petition for redress or to protest governmental action.
#38
RIGHT OF PARTICIPATION. The public shall have the right to expect governmental agencies to afford every feasible opportunity for citizen participation in the operation of the government prior to final decision. The legislature shall provide by law points of access and institutional structures to maximize such a right.

#57
No person shall be deprived of the right to examine documents or to observe the actions and deliberations of all public officials or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy exceeds the merits of public disclosure.

#61
The dignity of the human being is inviolable. No person shall be denied the equal protection of the law, nor be discriminated against in the exercise of his civil or political rights, including, but not limited to the choice of housing or conditions of employment on account of race, color, sex, culture, social origin or condition, or political or religious ideas, by any person, firm, corporation, or institution; or by the state or any agency or subdivision of the state.

#132
ENVIRONMENTAL RIGHTS. It shall be the obligation of all parties, governmental or private, to maintain and enhance a high quality environment for the public benefit. Such obligations shall apply to all aspects of environmental quality including, but not limited to, air, water, lands, wildlife, minerals and forests. The legislature must implement effective enforcement of this basic environmental right.

#133
See Article III, Section 6

#151
RIGHTS OF INDIANS. The state of Montana forever disclaims all right and title to Indian lands lying within the boundaries of the state. The Indian tribal rights of self-government and cultural autonomy are hereby recognized; accordingly the state shall pass no law assuming jurisdiction over Indian tribes without a referendum of the adult enrolled members on the reservation of the affected tribe.

#167
See Article III, Section 4
The right of privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.