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## Foreword

Gordon R. Bennett

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# FOREWARD

One of the many extraordinary features of the 1972 Montana Constitution is that it be reconsidered every twenty years. It directs that the question of whether to hold a constitutional convention be submitted to the electorate at least that often. While the bi-decennial plebescite is mandatory, serious consideration of the constitution by the general public before voting is not self-executing. Initiative is required, and Dean J. Martin Burke took that initiative in early 1989. His original conception was the presentation of a number of learned commentaries on the 1972 Constitution at a public forum and, subsequently, in a special edition of the *Montana Law Review*. Funding was sought from the Montana Committee for the Humanities. Margaret Kingsland, Executive Director of the Committee, suggested that the prospects for funding, as well as impact, would be greatly enhanced if the effort were to be directed to a larger audience than the readership of the *Law Review*, and if the forum participants were drawn from a spectrum of Montana citizens who were either delegates to the convention or had significant roles in implementing the constitution. Dean Burke and members of the advisory group he had assembled agreed, and what had begun as a conclave of legal experts became a congeries of involved citizens who were concerned about and experienced with our basic state charter.

“Constitutional Symposium ‘89” presented not only learned papers, as originally planned, but also lively and far-ranging discussions by learned lay people about the intent, meaning, successes, failures, reparability, and potential of our constitution. Those papers and discussions have been skillfully edited, extracted, and excerpted by the able staff of the *Montana Law Review* and are presented here pursuant to Dean Burke’s original goal: to incite and inspire an informed dialogue among Montana’s citizens, not only about their constitution, but also about who they are and where they want to go as individuals and as a society.

Whether that goal is achieved is up to us all, but certainly this publication is a worthy first step. It merits our attention, reflection, and discussion.

Gordon R. Bennett\*

*Dean J. Martin Burke and the editors of the Montana Law Review would like to thank Judge Bennett for serving as the Director of Constitutional Symposium '89. Without his efforts and tremendous dedication this endeavor would not have been possible.*

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\* B.A., Carleton College, 1947; M.A., University of Missouri, 1949; J.D., Georgetown University Law Center, 1956. Judge Bennett was appointed to the bench in 1970 and was reelected to the bench in 1972, 1976 and 1982. He retired from Montana's First Judicial District in 1988 and served as a Scholar-in-Residence at the University of Montana School of Law during spring semester of 1989.