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THE 1972 MONTANA CONSTITUTION: THIRTY YEARS LATER

THE 2002 HONORABLE JAMES R. BROWNING SYMPOSIUM

The 1972 Montana Constitution is a unique document, reflecting not only the values and concerns of the Montana citizenry, but also the uniqueness of the land itself. The constitution provides that every twenty years the citizens of Montana must decide whether another constitutional convention should be held. In anticipation of that public vote, the Montana Law Review hosted Constitutional Symposium '89¹, providing a public forum for discussion of the state's "new" constitution and the pros and cons of calling a new Constitutional Convention. The 1989 Symposium featured many delegates to the 1972 Convention as well as lawyers, judges, legislators, political scientists and state bureaucrats who commented on the promises of as well as the then emerging issues associated with the 1972 Constitution. In 1990, the Montana electorate overwhelmingly voted in favor of keeping the 1972 Constitution.

During the 1990's, the Montana Supreme Court underwent significant changes in its composition. Many groups and individuals used this opportunity to test the largely untested provisions of Montana's "new" constitution. For the first time, the Montana Supreme Court had the opportunity to interpret and apply many of the constitution's provisions. A remarkable and sometimes controversial body of state constitutional law has emerged. In view of these developments and the approaching 30th anniversary of the adoption of the 1972 Constitution, the Montana Law Review determined that another symposium would be appropriate. Unlike the 1989 symposium, however, the Review sought to attract scholars from around the nation to address the development of Montana's constitution and to suggest directions for future interpretation and application of this progressive document. Because Montana's constitution and the emerging jurisprudence associated with

1. 51 Mont. L. Rev. 235 (1990).

that constitution have attracted national attention, the Review attracted a host of nationally prominent state constitutional scholars whose papers appear in this issue. Panels comprised of state attorneys, legislators, judges, and citizens responded to each paper and their comments have been preserved by the Review on audio disks available from the Review.

The Montana Law Review is grateful to the authors, the moderators and panelists, and those who attended and participated in this provocative symposium. The Montana Law Review extends a special thanks to Justice James C. Nelson of the Montana Supreme Court and Professor Emeritus Larry Elison for their exemplary service. In addition, the Review is indebted to Alanah Griffith (Class of 2002) who assumed a leading role on behalf of the Law Review, to the Symposium Steering Committee headed by Judge Gordon Bennett, to Professor James Lopach of the UM Political Science Department and to our law faculty who provided invaluable assistance throughout this project.