

MINUTES FOR THE MEETING  
JUDICIARY COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

January 31, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, January 31, 1985 at the hour of 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 390: Rep. Dorothy A. Cody, chief sponsor of this bill, appeared before the committee and offered testimony on behalf of the bill. She submitted some amendments to the bill that were necessary because of a misunderstanding in the original drafting. A copy of her testimony was marked as Exhibit A and the proposed amendments that she submitted were marked as Exhibit B. She also submitted a copy of a page of a transcript referred to in her testimony which was marked as Exhibit C.

Lieutenant Jerry S. Wilkerson, from the Montana Highway Patrol, appeared and offered support for HB 390. He said that occasionally a person who has had his license revoked or suspended from driving a motor vehicle will drive a farm tractor because it is not covered under the definition of "motor vehicle".

Kimberly A. Kradolfer, an assistant attorney general wished to go on record in support of this bill as amended. This bill will simply bring the vehicle within the DUI statutes and the per se statutes and get drunk drivers off the road.

There were no further proponents or opponents, Rep. Cody closed, and the floor was opened up for questioning.

In response to a question from Rep. Brown, Rep. Cody said that snowmobiles are already covered by the statutes.

Rep. Addy asked if these were the kinds of vehicles that people would most likely to get a probationary license to drive during the term of the sentence. Rep. Cody said that the bill would allow that if an individual is driving his tractor down a public road under the influence, the officer may arrest him.

Rep. Mercer suggested that the word "vehicle" be placed after the word "term" in Rep. Cody's amendment.

Rep. Montayne feels that horses should also be included under this statute.

There being no further questions, the hearing closed on HB 390.

CONSIDERATION OF HOUSE BILL NO. 395: Rep. Dave Brown, chief sponsor of this bill testified in support of it. He stated that this bill essentially removes the civil liability from establishments and persons in individual residences to sell, serve, give or deliver alcoholic beverages whether or not for profit. The bottom line for this legislation is that as it stands now, the supreme court has in most cases ruled along these lines in the past, and we wish to have it in the statute. One of the biggest reasons for the bill is that businesses have a difficult time acquiring liability insurance. We should place the responsibility of an individual's actions back on that individual. Glen Drake, representing the American Insurance Association, spoke in favor of the bill. He stated that there are two basic reasons why they support this bill. He said that it places the responsibility of a particular act on the person who committed it. The other reason is that the legislature, by adopting this piece of legislation, is also accepting responsibility of determining public policy and not leaving the determination of that public policy up to the supreme court.

Roger McGlenn, representing the Independent Insurance Agents Association of Montana, appeared in support of the bill. "We feel that the limitations that this will place on quicker liability in the statute is necessary from the affordability and the availability of insurance."

Bonnie Tippy, representing the Alliance of American Insurers, wished to go on record as supporting this bill.

Phil Strobe, representing the Montana Tavern's Association and the Montana Innkeeper's Association, testified in support of the bill. Mr. Strobe informed the committee of the difficulties bars deal with in retaining insurance and obtaining it at an affordable price. Mr. Strobe stated that a recent operator had told him that his coverage will go from \$900 a year to \$4,500 when the policy is renewed later in 1985. When the risk is hard to quantify, the carrier who wants to

carry a great reserve may also mark up the premiums or withdraw from writing the coverage.

Mr. Strobe said that there are some strange lawsuits floating around because of the changing attitude of the supreme court in its view on what the policy of the state is.

Don Larson, appeared on behalf of himself. He stated that it is extremely difficult for the small businessman to acquire this type of insurance coverage.

Walter Jackovich, representing himself, also spoke in favor of this bill. He pointed out the problems of obtaining liability insurance and feels also that the responsibility of a person's actions should be placed upon that person.

There being no further proponents, the opponents were given opportunity to address the committee.

Mike Males, appearing on behalf of himself stated that although he likes the concept of the bill, he sees it as far too sweeping. He feels that the bill should be amended in two different areas. He feels the area of dealing with the person who intentionally provides alcohol to the non-addictive drinker, especially when in an intoxicated condition, should be looked at. The second area is that the bill provides no age limit. He suggested that committee adopt some language such as on line 11 after the word "acts" insert "except as provided in section 2". He further suggested that a new section be adopted which would read: "A person who sells at retail, serves or gives an alcoholic beverage to a person and who know or should reasonably know that the recipient person is under 19 years of age becomes a legal possessor of that beverage. If the person received the beverage commits a crime or act in which the beverage contributed to the crime or act, the person who sold, served or gave the beverage is 1) guilty of misdemeanor punishable as provided in the standard misdemeanor section of law; 2) liable in a civil action for any damages that may have resulted from the crime or act.

Karl Englund, representing the Montana Trial Lawyers Association, testified in opposition to this bill.

The issue of barowner's liability or actions of their patrons is a rather complex one. He explained the present law and how it applies in the state of Montana. He feels the bill is not necessary and is far more sweeping than need be. The rules in Montana are clearly established, and if people's liability

insurance is getting incredibly high, it is not because of the liability of the barowners or the patrons because of the activity. Mr. Englund stated that Montana has two statutes relating to the regulation on the sale of the intoxicating beverages to minors and intoxicated persons. Under 16-3-301, states that it is unlawful for a licensee to sell any alcoholic beverage to a person under 19 years of age or an intoxicated person. Under 16-6-304, a store manager may not sell alcoholic beverages to anyone who is intoxicated. Mr. Englund also pointed out that there is a long line of cases in Montana which ruled that the purveyors of alcoholic beverages are not liable for the injury caused by intoxicated people.

There being no further proponents nor opponents, Rep. Brown made closing statements. He stated that the bulk of coverage of this bill is already supreme court caselaw. However, he feels that it should be placed into the statute regardless of caselaw.

The floor was opened up for questioning at this time.

In response to a question from Rep. Keyser, Mr. Drake stated that he could give no particular example of a district court or supreme court case that has a direct bearing on this particular law. Mr. Drake did state that he feels the legislature should start adopting public policy instead of leaving it up to the supreme court.

Rep. Keyser wanted to know if Rep. Brown had any particular problem in tying 16-3-301 in reference to this section. Rep. Brown stated that he did not.

Rep. Darko wanted to know if insurance rates would be reduced if this bill is passed. Mr. McGlenn responded to the question by stating that insurance company's set rates, not the agents themselves and that there is no guarantee that passage of this law will, in fact, reduce insurance rates. However, he hopes that it will stabilize the rates.

In response to a question asked by Rep. Montayne, Mr. Drake stated that insurance availability and insurance costs are based upon experience and the industry involved. The sporting goods people are experiencing a similar problem that the barowners are. The entire area of industry in Montana is experiencing the same problem primarily because of the decisional law by the court which has broadened the areas in which recovery is allowed. This is what is threatening these businesses. The cost of providing insurance is getting so high that the ordinary sporting good owners and the

ordinary barowner cannot afford to carry his insurance. He said that until we get a handle on the liability situation and are able to cut the costs down, those costs are going to continue to skyrocket. This bill is an attempt, in one small area, to put a finger on the problem.

In response to a question asked by Rep. Kruegar, Mr. Englund stated that it is the sweeping language in Rep. Brown's bill that concerns him. Under this bill, no person is liable to any person or any injury or damage of any kind wholly or partly caused by the consumer's being under the influence of alcoholic beverage.

In response to a question asked by Rep. Grady, Mr. Englund said from his understanding of the law, any increase in liability coverage should not be based on the concern that barowners will be held liable for the actions of their customers.

There being no further questions, hearing closed on HB 395.

CONSIDERATION OF HOUSE BILL NO. 370: Rep. Paul Pistoria, sponsor of this bill, testified before the committee.

This bill would basically require newspapers to sign editorials and verify contents of letters to the editor.

Rep. Pistoria outlined a series of complaints against the Great Falls Tribune. He stated that newspapers don't practice what they preach in regards to newspaper policies. He stated that newspaper editorials hurt people, and the people have no way to come back at them. He feels that through his bill, the legislature has an opportunity to "chastise" newspapers. The bill would make it a misdemeanor for a newspaper published in the state to print an unsigned editorial or a letter to the editor when the contents and authorship of the letter have not been verified.

Rep. Pistoria submitted a series of reprinted articles and editorials to the committee which have been marked as exhibits.

There were no further proponents of the bill. Chairman Hannah opened the floor up to the opponents of the bill.

Mike Meloy, representing the Montana Press Association, offered testimony in opposition to this bill. He stated that he represents all the state weeklys and the

five daily newspapers. Mr. Meloy pointed out a few problems of the bill. For one, the bill makes it a misdemeanor to publish an unsigned editorial or letter to the editor. Mr. Meloy wondered why this didn't include the electronic media. Also, he pointed out that the substance to the bill only applies to newspapers that are published in Montana. The second problem with the bill is that it fails to define what constitutes an editorial.

He stated that with respect to letters to the editor, every newspaper he knows of reviews those letters and attempts to ascertain whether or not it is a phony letter or whether it should, in fact, be published. He said this bill would impose upon the editor and the person who reviews the letter to verify the facts contained in the letter.

With respect to the newspaper that violates the statute guilty of misdemeanor, there is a high misdemeanor that would require a high fine. In addition, Mr. Meloy told the committee that the bill would be declared unconstitutional in its first test. Mr. Meloy referred to two cases -- the impact which would render this whole action unconstitutional as a violation of the first amendment.

He referred to Miami vs Tornillo case which was decided about 8 years ago by the U.S. Supreme Court involving a statute in Illinois which made it a crime for a newspaper to refuse to publish somebody's comments in response to an editorial. Another case was the New York Times vs the United States. Mr. Meloy stated that although publishers don't like this bill, it serves as a forum for the discussion about the way the public deals with public officials.

Chris Johnson, graduate student in journalism from the University of Montana, testified in opposition of the bill. He feels that Rep. Pistoria's reason for introducing this bill is not a valid reason for imposing this requirement on publications.

There being no further proponents or opponents, Rep. Pistoria closed. Rep. Pistoria feels that if this bill is passed out of committee, there will be a lot of support for it on the floor. He said that he'd like to see this bill passed and let the newspapers spend a little money to prove whether it's unconstitutional.

The floor was opened for questioning.

Rep. Montayne spoke in favor of the bill as did Rep. Gould. Rep. Gould related a personal example where he

didn't have time to rebut a newspaper before election day.

There being no further discussion, hearing closed on HB 370.

At this point, Bob Pyfer, Director of the Legal Services of the Legislative Council, addressed the committee on administrative rule making and on the "1983 Daily Amendment" to the Legislative History Act concerning extension of administrative rule-making authority.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 370: Rep. Rapp-Svrcek moved that HB 370 DO NOT PASS. The motion was seconded by Rep. Miles and discussion followed.

Although Rep. Darko was sympathetic with Rep. Pistoria's reason for introducing the bill, she doesn't feel this is the mechanism to deal with the problem.

Rep. Rapp-Svrcek said that although there certainly are abuses in this area, this bill is clearly unconstitutional.

Rep. O'Hara wanted to salvage the portion of the bill requiring individuals to sign editorials.

Rep. Gould expressed his opposition to the motion because he would like to pass the bill out before the House for further discussion.

Rep. Keyser feels the bill should include all electronic media and should also require out-of-state editorials to publish their names likewise.

It was Rep. Mercer's opinion that although the bill is unconstitutional, it should be passed out of committee for purposes of discussion. He stated that there are many legal precautions to prevent the bill from being passed.

Rep. Montayne stated that this also has an affect on our constituents in addition to politicians.

Rep. Kruegar stated that the bill is unconstitutional and shouldn't be passed out of committee for further discussion. Rep. Addy also expressed concern in regards to this. He said that if the bill were allowed to go beyond the committee, it would defeat the whole committee's purpose.

Rep. Keyser stated that this subject has been discussed many times in previous sessions. The bill is flawed, and he feels that it is up to the committee to kill it.

With that, the question was called and the motion for a DO NOT PASS carried with Reps. O'Hara, Montayne, Brown and Gould dissenting.

ACTION ON HOUSE BILL 390: Rep. Hammond moved that HB 390 DO PASS. The motion was seconded by Rep. Keyser and further discussed. Rep. Brown moved to adopt the amendment proposed by Rep. Cody and previously discussed. The motion was seconded by Rep. Hammond.

Rep. Brown stated during discussion that a license was not needed to ride a horse or drive a bike. Therefore, why should it be taken from you for a DUI violation.

It was brought out that an individual does not need a license in order to drive a tractor on a public road.

Rep. Keyser stated that he doesn't want to see bicycles amended out of the bill. He feels that the bill should be left as initially proposed.

The question was called and the motion failed.

Rep. Montayne moved that on lines 16 and 17 the word be inserted: "animal used as a means of transportation". There being no second, the motion failed.

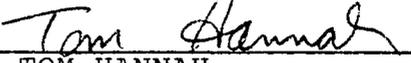
Rep. Keyser moved that HB 390 DO PASS. The motion was seconded by Rep. O'Hara. Discussion followed.

Rep. Mercer admonished the committee that we should be careful when we include bicycles. He feels that we are going too far when we include bicycles with other motor vehicles.

Rep. O'Hara moved to reconsider the amendment proposed by Rep. Cody. The motion was seconded by Rep. Mercer. Rep. Mercer said he felt if people are going to drive something while they are drunk, he would rather they rode a bike. He doesn't think riding a bike and walking are that different from each other. Rep. Grady spoke against the motion. He feels that bicyclers should be held liable for causing a serious accident such as making a vehicle to swerve. The question was called and the motion failed 7-11.

Rep. Keyser moved that the bill DO PASS. The motion was seconded by Rep. Hammond and passed with Rep. Kruegar and Rep. Brown dissenting.

ADJOURN: Upon motion of Rep. Keyser, and that motion having been seconded, the meeting adjourned at 11:05 a.m.

  
REP. TOM HANNAH

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/31/85

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NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 1/31/85 BILL NO. HB 390 TIME 11:05

NAME	AYE	NAY
Kelly Addy		✓
Toni Bergene		✓
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily		✓
Budd Gould		✓
Edward Grady		✓
Joe Hammond		✓
Kerry Keyser		✓
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles		✓
John Montayne		✓
Jesse O'Hara	✓	
Bing Poff		✓
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)	✓	

Marcene Lynn  
Secretary

Tom Hannah  
Chairman

Motion: Rep. O'Hara moved to reconsider the amendment pro-  
posed by Rep. Cody. The motion was seconded by Rep. Mercer  
and failed 7-11.

# STANDING COMMITTEE REPORT

January 31 19 35

SPAKER:

MR. ....

JUDICIARY

We, your committee on .....

having had under consideration ..... HOUSE ..... Bill No. 370

FIRST reading copy ( WHITE )  
color

REQUIRE NEWSPAPERS TO PUBLISH NAME OF AUTHOR OF EDITORIAL  
& OTHER RESTRAINTS

Respectfully report as follows: That ..... HOUSE ..... Bill No. 370

DO NOT PASS

DO PASS

# STANDING COMMITTEE REPORT

January 31 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 390

FIRST reading copy (WHITE) color

BRINGING ALL VEHICLES UNDER LAW ON DRIVING UNDER INFLUENCE

Respectfully report as follows: That HOUSE Bill No. 390

DO PASS

VISITORS' REGISTER

JUDICIARY

COMMITTEE

HOUSE BILL NO. 370 (Rep. Pistoria)  
390 (Rep. Cody)  
 SPONSOR 395 (Rep. Brown)

DATE 1/31/85

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jerry S Wilkerson	303 N Roberts Helena MT.	390	
Bob Durkee	Helena	395 X	
D. W. Lannon	Helena	395 X	
Bob Bunt	Helena	395	
Marie E Durkee	Helena	395	
Roger Mcbleen	Helena	395 ✓	
Wanda JACKOVICH	Butte	395 -	
Mike Meany	Helena	370	✓
MICHAEL MILES	LIVINGSTON 395 AMEND		
Kimberly J. Schroeder	Attorney General's Office 827 5th #1 Helena	390 ✓	
Bonnie Tippy	Helena	395	
Jim Rusk	Helena	395	
Dave Brown	Butte #172	395 ✓	
Paul Pistoria	St. Falls. State Rep	#18.370	
Secretary	State Treasurer		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*The Big Sky Country***MONTANA STATE HOUSE OF REPRESENTATIVES**

Mr. Chairman, Ladies and Gentlemen of the Committee,

For the record, my name is Dorothy Cody and I represent House District #20.

Before I present HB 390 to you, I have passed out some amendments to the bill that were necessary because of a misunderstanding in the original drafting.

On December 3, the Roosevelt County Attorney came to me with a transcript of a trial and a request that I introduce legislation that would assist them with a problem they have from time to time on the D.U.I. Statutes. I have also passed out a copy of one page of that transcript that will help you to better understand the problem.

I would also like to read to you a short paragraph from the County Attorney's letter.

I would appreciate your consideration and do pass recommendation of this bill.

PROPOSED AMENDMENTS TO HB 390, INTRODUCED COPY:

1. Page 1, line 16

Following: "part"

Strike: remainder of lines 16 through 17 in  
their entirety

Insert: ". For the purposes of chapter 8,  
part 4, this <sup>ne</sup> term <sup>bicycle</sup> does not include a  
bicycle as defined in 61-1-123."

1/31/85  
HB 390

13

1 DEFENDANT: No I haven't. I haven't been driving.

2 THE COURT: If you want to plead  
3 guilty today, I think you are in  
4 better shape to do it. However, if  
5 you want to have a jury trial, Okay,  
6 what do you want to do.

7 DEFENDANT: Will you put me in jail then today?

8 THE COURT: I will put you in jail  
9 today, yes, for ten days.

10 DEFENDANT: What do you think, Pete?

11 MR. PETE SPAABECK: Sure, why not.

12 DEFENDANT: Up to you.

13 MR. PETE SPAABECK: No it is up to you.

14 DEFENDANT: And then is it over with?

15 THE COURT: Well if you don't drive.

16 DEFENDANT: Well I am not driving now. I said that, that I  
17 am not driving now.

18 THE COURT: And if you did, you won't  
19 have a license for a long long time.

20 DEFENDANT: [REDACTED] am I allowed to drive

21 [REDACTED] motor?

22 THE COURT: I don't know.

23 DEFENDANT: Are Al and Vickie still over there?

24 THE COURT: Al & Vickie who?

25 DEFENDANT: Over in the jail there?

~~PROPOSED AMENDMENTS TO HB 390, INTRODUCED COPY:~~

1. Page 1, line 16

Following: ~~"part"~~ "part"

Strike: remainder of lines 16 through 17 in their entirety

Insert: ". For the purposes of chapter 8, part 4, ~~this~~ *the* term does not include a bicycle as defined in 61-1-123." *vehicle*

*The Big Sky Country*



MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE ROBERT L. MARKS

REPUBLICAN HOUSE LEADER

HELENA ADDRESS:  
CAPITOL STATION  
HELENA, MONTANA 59620

HOME ADDRESS  
302 LUMP GULCH  
CLANCY, MONTANA 59634

COMMITTEES:

LEGISLATIVE COUNCIL  
RULES

*Rec'd. Mon. Jan. 28, 1985  
from Bob Marks*

January 28, 1985

Tom Cook  
Lee Newspaper State Bureau  
Independent Record  
Helena, Montana 59601

*Use for H.B. 370  
Rgn Elt...*

Dear Mr. Cook:

I really appreciated your article in the Independent Record (and other Lee newspapers) relative to the great party that legislators have during the session. It must give reporters great satisfaction in poking jest at folks who wallow in booze and act frivolously all the time they are here when they have really been sent to take some interest in matters of concern to those people who elected them.

You seemed to take this past week as an example of the interesting enterprises with which legislators have been involved. You mentioned that on Monday the Historical Society will have a cocktail party at the original Governor's Mansion. This isn't really a cocktail party anyway, Tom. They may have some soft drinks and perhaps a little wine, but won't have any cocktails there. On Wednesday contractors seem to be aimed at getting the best of the legislators and filling them full of booze, etc. and then on Thursday, of course, the legislators have to make up their mind on the Senior Citizens or the Bankers and I suppose the Bankers will win cuz they obviously have more money. On Friday, Northern Plains Resource Council has a cocktail party but I doubt if anybody will go to that event because Northern Plains, being mostly agricultural folks don't have much money either and they probably can't put out much booze.

I thought maybe you'd be interested in knowing some of the things that happened during last week when the legislators were probably perceived as being out frolicking and kicking up their heels and having a good time and having their noses in the swill trough.

On Monday this particular legislator went to his home district and spent three hours talking to constituents about a concern they had. But that's part of the job. They didn't serve any booze but I thought I'd make it up the next night when the Tavern owners were holding a booze orgy at Jorgenson's. But lo and behold, the next night I had to - along with about sixty other legislators - stay after school and

Page Two  
Tom Cook, IR  
1-28-85

we had a little committee meeting at 7:30 on the stream access issue. The meeting lasted for about four hours and by the time we got out of there it didn't seem like there was time to go down and take part in the Tavern owners frivolities. So we sure missed that one also.

On the next night there was a real good time to be held by the cow-boys association, of which I'm one, and we were supposed to go down to Jorgenson's to the water hole. Only some of us didn't get to go because there was a meeting of the Joint Appropriations and Finance and Claims people and a bunch of other interested legislators, including myself, on Senate Joint Resolution 9, whether to close down Boulder River School and Hospital. There were about fifty of us there watching and boy, we didn't get out to get our nose wet that night either because the hearing lasted 'til 11 p.m. We had to stick around and tend to business up here, much against our better judgment.

Thursday night they must have had a night out on the town because there weren't any long scheduled meetings except some of us wanted to catch up on mail so we stayed at our desks and wrote a few letters, made some telephone calls to constituents - took care of some things like that.

Well, on Friday night, being a weekend and all, it looked like it was a real good time to get out and kick up our heels because it didn't look like too much else was scheduled - when all of a sudden it appeared that the pay plan bills came up for hearing at 7 p.m. so the ceremonies planned for that night fell into disarray. The pay plan thing lasted a couple of hours and we went home and went to bed and got back up here Saturday. But the best part of the whole week was Saturday at about 12:30 or 1 p.m. when the legislature adjourned for the weekend and all the legislators were able to beat it down to the bar and just drink their fill and go to bed fat, drunk, and happy.

X I hope the planned Press Association luncheon that will be held on February 5 will have enough booze, swill and frivolities and dancing girls so the reporters can write us up again in the Sunday paper and keep our people back home fully informed of the real purpose of the legislature.

Best wishes for a good session.

Sincerely,



Robert L. Marks

RLM:mpb

cc: Montana Press Association w/encl.  
Mike Voeller, Editor, Independent Record w/encl.



## IR WATCHING

BY TOM COOK  
IR State Bureau

### Legislators' nightlife busy OR "I WONDER WHERE THE YELLOW (JOURNALISM) WENT.

You've been reading about the ponderous decisions and troubled times legislators face during the day this session.

But you don't hear much about the difficult choices they face at night.

Legislators are much in demand each evening by those who want to bend the ears and the elbows of those who guide the state.

In fact, House and Senate clerks are kept busy posting social schedules so that lawmakers and special interest groups can make plans for the nightly round of parties.

Take next week.

On Monday the Historical Society will host a cocktail party at the Original Governor's Mansion, and in case legislators have a few follow-up questions, the society will hold another party Tuesday night to drink to artist Charlie Russell.

On Wednesday legislators get some advice they probably could use in keeping up their schedule when the Montana Association of Health holds a "Legislative Health and Fitness Day." That night there will be a cocktail party hosted by the Montana Contractors Association so legislators can talk about what they learned.

On Thursday legislators face a tough choice as the Senior Citizens Association goes up against the Montana Bankers Association, which means legislators will have to choose between Gray Power and Money Power.

On Friday the Northern Plains Resource Council has a cocktail party for those who made it through the week.

Ah well, nobody said it would be easy to serve the state.

### Bottoms up from Coal Council

Speaking of special interests, the Montana Coal Council gave legislators glass cups this week that look like Mason Jars with handles, and carry the council's seal.

As the cups began popping up at committee meetings and in the halls (with coffee in them in most cases,) a few lobbyists began to use them to count up potential votes.

This could lead to an interesting advertising war that could result in legislators looking more like race car drivers.

Other groups could give caps with their name on the front so that their cause is touted whenever a lawmaker gets some TV time.

McDonald's could even give the little patches that some tennis players wear on their clothing, and of course there's always the trusty T-shirt.

If things go well, legislators might even get their chairs souped-up with decals that say things like "The Environmental Special" or "Miss Ms."

The pride of "Build Montana" might even be displayed by a new line of designer label clothing as worn in the Legislature.

Let's hope this doesn't go any farther.



## What Price 'Good Copy'?

### MY TURN/MARY CUNNINGHAM

If you haven't been reading the papers or watching the evening news the last two years, allow me to introduce myself. I am the fallen woman of Bendix, the "blue-eyed blonde" and "shapely veep" who supposedly slept her way to the top of the corporate ladder. I am one half of "the Bill and Mary soap opera," the "master-manipulator" who used her "feminine wiles" to dazzle her hapless husband. I am the "unseen force" behind the Bendix-Martin Marietta takeover fight, the "pretty wife" who had "executives bristling" by "wandering through the corridors chatting idly about the weather and the building's decor."

So, at least, the press has portrayed me. The quotations you see up there all appeared in articles published in the last two years. There are many, many more. For, like it or not, I am now a public person, which, for our press, means I am fair game.

**Spotlight:** I didn't start out to be a media celebrity. Until the spotlight fell on me, I wanted nothing more than to be a good businesswoman, and I worked hard at it. I was a Phi Beta Kappa graduate of Wellesley; an honors graduate of the Harvard Business School; one of the youngest assistant treasurers in the history of the Chase Manhattan Bank; an associate in the corporate-finance area of Salomon Brothers. If all of this comes as a surprise to you, it is no wonder. With rare exceptions, the press has chosen not to write about that, or about my current position as the vice president for strategic planning at Joseph E. Seagram & Sons, or my recently added responsibility as executive vice president of planning for the Seagram Wine Company. What interests the press—what makes for "good copy"—is my short-lived career at the Bendix Corp.; not what I accomplished professionally there, but whether my advancement was tied to a rumored—and firmly denied—romantic relationship with my boss.

For months, this drama titillated readers and viewers from coast to coast. It also cost me my job at Bendix, cast me overnight into the role of a public figure, threw a cloud over my integrity and opened up emotional wounds from which I am still recovering.

Nor was that the end. This summer, when Bendix made a tender offer to acquire Martin Marietta, certain reporters

saw it as a chance to rehash the entire fiction—with a different twist. Now the question wasn't "did they or didn't they" but was "the wife," an informal adviser, "meddling" in her husband's work. The suggestion of a possible conflict of interest came up repeatedly as reporters stretched my role from after-hours adviser to a force poised right at the negotiating table. Despite denials from all sides that I was even present at the negotiations between the principals—let alone that my trumped-up presence was a "fatal error"—the papers kept embellishing an alleged controversy. It was left to Thomas Pownall, chairman of Martin Marietta, to set the record straight with this public statement: "Most emphatically, Miss Cunningham's pres-

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They are also  
like hand grenades:  
handled casually,  
they tend to go off.*

---

ence [in the building] was not an irritant . . . [and] did not contribute in any manner to the failure of Bendix and Martin Marietta to reach an agreement."

Let me give you another example of the kind of inaccuracies about which I have come to feel so strongly. This past October, political pundit Richard Reeves wrote a nationally syndicated column that was headlined: "Bill and Mary menace the economy." It included the following passage: "I happened to stumble upon them playing kissy-face behind the Scotch bottles in a duty-free shop at London's Heathrow Airport." The unfortunate "them" refers to me and William Agee. This account, I must say, is entertaining, but it has one minor flaw: it is totally fictitious. Although we were at Heathrow later during our engagement—long after my tenure at Bendix—we never "[played] kissy-face" at any time "behind the Scotch bottles."

Drawing on these experiences, I offer you the following recommendations on how to evaluate what you see in print:

■ Be wary of melodrama passing for news. Where melodrama is used to arouse emotions or to peer into personal lives, the reader is probably being duped, not informed.

■ Be suspicious of the use of unnamed "reliable sources." (If they are so reliable, why are they afraid of being quoted? After all, they are not exposing a mobster.)

■ Be cautious if a story substitutes a supposed clash of personalities or egos for solid, clear reporting about what are often mundane business issues.

Despite my experience, I'm still a firm believer in a fair and free press. But it isn't perfect, any more than business is. However, business and those who practice it are at least subject to scrutiny—by stockholders, auditors, boards of directors, government agencies and, yes, the press, too.

The press, on the other hand, is almost completely immune from outside oversight. It prints whatever it decides is "newsworthy" and apologizes after the fact when reputations are smeared by ambitious reporters and editors who run with false information leaked from a biased source. These abuses are then justified or dismissed as "the downside" of the First Amendment.

When I inquire about the morality of invading a citizen's private life by printing allegations or sensational rumors or sexist cheap shots from "unidentified sources close to the situation," I am told that "the public has a right to know." (From several thousand thoughtful and outraged letters I have received, I am not so sure the public agrees.)

**The Wringer:** I'm not alone, of course. Thousands of other people have taken the trip through the press wringer—some fairly, many not. Until we pause to consider how the awesome power we have entrusted to our press can be wielded more responsibly, there will be thousands more. Words are sacred things. They are also like hand grenades: handled casually, they tend to go off.

While I pick through my own shrapnel, I'm reminded of the observation of the great journalist A. J. Liebling. "Freedom of the press," he said, "is guaranteed only to those who own one." You know, for a reporter, Mr. Liebling had a lot on the ball.

*Ms. Cunningham is a senior executive at Joseph E. Seagram & Sons, Inc.*

Missouri Public Opinion Today — 8 a.m. to 8 p.m.

# Great Falls

Great Falls, Montana, Tuesday, November 2, 1982

No. 173—97th Year

# TRIBUNE

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HOW CAN THE TRIBUNE CAMPAIGN ON ELECTION DAY? THEY DID AGAINST ME. READ BELOW. *Paul K. Pistoria*

## Voters have say today

By RICHARD ECKE  
Tribune Staff Writer

While John Melcher and Larry Williams square off in a tough fight today for Melcher's U.S. Senate seat, some spirited local races may also attract voters to the polls.

Cascade County election office head Annie Short was predicting a 70 percent voter turnout, just slightly less than the 71.4 percent figure from the last off-year election in 1978. Short said persons likely will be drawn to the polls by congressional races pitting Melcher against Williams and Rep. Ron Marlenee against Howard Lyman, as well as by some of the statewide ballot issues.

Some 37,520 county residents are registered to vote today. County Republicans and local labor unions were offering free rides to the polls for persons who need the service. Polls will be open from 8 a.m. until 8 p.m.

Today's expected cool weather, with a high of 42 degrees, might tend to hold down turnout. But the weatherman is also predicting only a slight chance of snow showers and light northwest winds.

Despite chill weather out-of-doors, some local races may generate heat, including Democratic state Rep. Dick Manning's challenge

to GOP incumbent Sen. Jesse O'Hara in local Senate District 19. The traditionally liberal senate district features an added factor of a third-party candidate, Libertarian Duncan Scott.

Democrats hope Manning can help trim the GOP's 29-21 lead in the state Senate, although Republicans say they expect to retain control of the Senate and of O'Hara's seat as well.

Meanwhile, one particularly pointed House battle locally pits maverick state Rep. Paul G. Pistoria, a Democrat, against garbage firm owner John Palagi, a Republican, in campaign advertisements. Republicans blasted Pistoria, a Democrat, as one of the "worst" state legislators, while Pistoria ripped Palagi's membership in the local Chamber of Commerce.

The GOP now holds a 57-43 edge in the House. In all, county voters will have a hand in selecting 17 legislators.

A featured race countywide will be Democratic state Sen. Pat Ryan's bid for a six-year term as Cascade County commissioner. His challenger is Republican real estate agent Jim Durkin, who criticized the county Democratic establishment he claimed Ryan represents. In turn, Ryan, a state probation and parole

officer, slammed Durkin's call for a strong county administrative assistant.

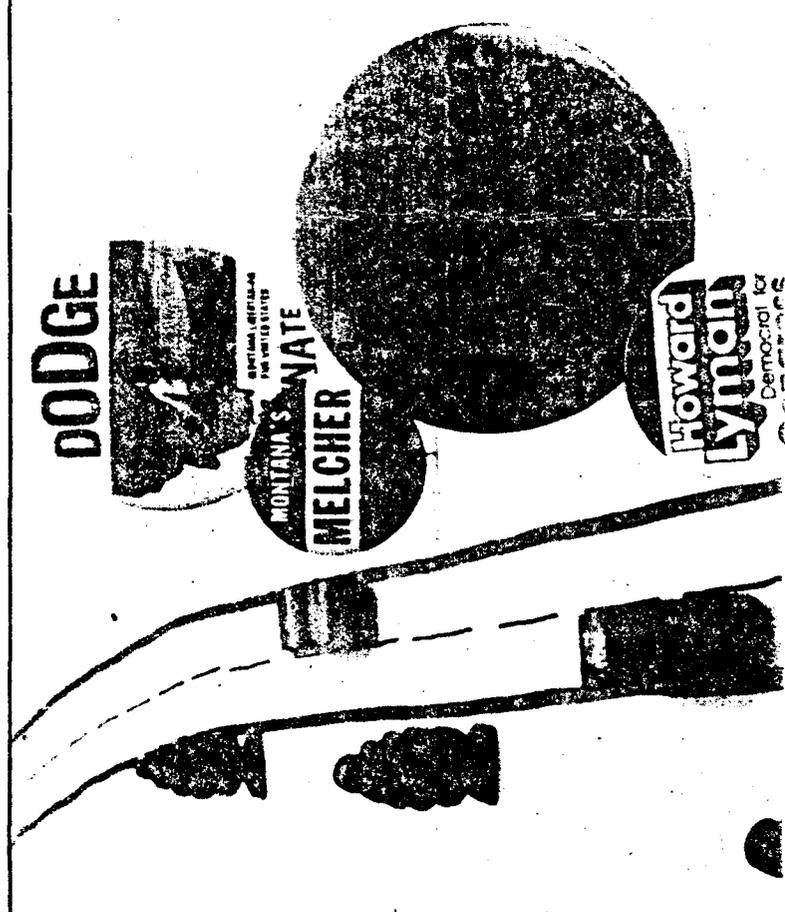
Some 10 county government officials are up for election today in partisan races, but just three of the races are contested.

Meanwhile, voters will have a chance to choose all but two Great Falls-based judges. All but U.S. District Judge Paul Hatfield, who is appointed, and City Judge Robert Tucker, who is in mid-term, must face the voters.

Two state district judges, John McCarvel and Joel Roth, face respective challenges from Sandra Warts and Jack Lynch. And county public defender Michael Smart is challenging Justice of the Peace Gladys Vance. Two other judges, District Judge H. William Coder and J.P. Patrick Paul, must win a majority of votes to stay in office.

And that's not all. In addition to local, congressional and statewide races and eight ballot issues, many local voters will have to choose board members for the Great Falls bus district or supervisors for the county conservation district.

That may be one reason why some voters plan to take notes or voting aids with them into voting booths today.





...the deal and its receipt...  
fully protected within the party. But...merited consideration.

~~TRIBUNE WED. DEC 26, 1983~~  
USE THIS ON RE-INTRODUCING H.B. 509 -  
as 1979 session

## Letter was a forgery

A letter in last Sunday's Tribune that was critical of State Fair management was a forgery.

The letter was not written by Don Lesmeiser, 3205 3rd Ave. S., and we regret any embarrassment the forged letter may have caused him.

The Tribune will take steps to prevent other forged letters from being published. If necessary, all persons writing letters to the Tribune will be asked to verify their authorship before any letter is approved for publication.

*FINALLY GOT CAUGHT*

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3. Publish all sides of important controversial issues.

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WHY DON'T YOU  
PRACTICE WHAT  
YOU PREACH?

