

THIRTY-EIGHTH LEGISLATIVE ASSEMBLY

1962

strong correlation between the votes on this measure and on revision of justice of peace courts (Pearson's $r = .48$). The relative standings of major urban centers was similar on the two measures; Billings, Helena and Flathead County were more favorable; Missoula, Bozeman and Anaconda were in the mid-range; Butte and Great Falls were least favorable. Statewide there was no correlation of vote on this measure with vote Democratic for congressman (Pearson's $r = -.006$).

19622 REORGANIZE LOWER COURTS

Rejected 49.6%

64.9% voted, 80,018 for and 81,191 against

Constitutional Amendment

1961 Laws chapter 121 (S Bill 67) proposed amendment of Articles III and VIII of the constitution to delete all references to justices of the peace and police and municipal courts. The organization and functions of judicial agencies inferior to the district courts of general jurisdiction would be determined by the legislature. The 1959 Legislature (H Res 1) had directed the legislative council to study and recommend "realistic qualifications" for justices of the peace. The council proposed this amendment as the starting point for any reform of the lower courts. Most of the senators who opposed the measure were Democrats from rural counties, but one-third of the opponents in the house were Republicans and one-half were from western urban counties. The state bar association supported the proposal but the association of magistrates campaigned vigorously against it.

The measure failed by less than two-fifths of one percent. Voters in 29 counties favored it while those in 27 counties were opposed. Urban vote was spread across the spectrum of support from 62 percent support in Billings to nearly even division in Helena, Missoula and Anaconda, and almost 60 percent opposition in Great Falls and Butte. Patterns of support and opposition seemed unusually complex but they possibly bore some relationship to popular sense of satisfaction with the delivery of justice. Support was strong in the 13th (Yellowstone and neighbors), 14th (Missoula Valley), 15th and 17th (northeastern) and 16th (southwestern and central) Districts. Opposition was strongest in the Second, Fourth, Fifth and Eighth (southwestern and central) Districts. It may not be relevant that competition for district judgeships was generally less in the first group than in the second.

Voters in 19 of 30 counties in the western half of the state opposed the measure, while voters in 19 of 26 counties in the eastern half of the state favored it; possibly this reflected a tendency of Democrats to oppose, and Republicans to favor, the measure that was apparent in the legislative vote on it. There was a hint of correlation between vote against this amendment and vote for a Democrat as U S representative (Pearson's $r = -.117$).

In 10 of the 18 judicial districts another pattern also was evident. The metropolitan county where district judges lived and had their principal seat favored the change (or was less opposed) while outlying counties were more opposed (Districts 3, 4, 7, 9, 10, 11, 13, 14, 16 and 17). The reverse was true in only four districts (5, 8, 12 and 13). Three of the four remaining districts compared with the metropolitan county and in the sixth District there was no significant difference in the vote of

SENATE

- (D) 35 (R) 21
- *J S Brenner (R)
- *Cornell A Graham (D)
- *Richard Nixon (D)
- *Lester C Goodwin (D)
- *William R Mackey (R)
- C C Bentz (R)
- Charles A Bovey (D)

- Gordon McDonald (D)
- *H Gravel (R)
- *Ed Carney (D) (R)
- *John L McKean (D)
- *Gene Hurlitz (D)
- Earl Mortiz (R)
- George Siderius (D)
- *Carl Lehnkand Jr (R)

- *John J MacDonald (D)
- *Peyce DeWolfe (D)
- *G P Balgord (R) (D)
- Hugh C Dunning (D)
- *Robert A Durkee (R)
- Arnold Kleber (D) (D)
- George S McKenna (R) (D)
- *Edward J Schepens (D) (D)
- *Dr William F Garberson (R)

- *David F James (D)
- William F Hoffmann (D)
- Sumner Gerard (R) (R)
- *Robert B Thomas (R)
- *Carl Rosend (R)
- Arthur N Jensen (D)
- Edward T Dussault (D)

- *R T O'Neill (D)
- *Ben H Stein (D)
- Kenneth Cole (R)
- *Lochiel Edwards (R)
- *Naurrice J Ullom (R)
- *Wilo H Cook (D)
- Joseph A McElwain (R)
- *Mike Hark (D)
- *Ralph A Hoff (D)
- M R Hillman (D)
- *Stanley B Nees (D)
- John Melcher (D)
- Eugene H Heboey (D)
- Lloyd J Michals (D)
- Frank D Reardon (D)

- Wenster Keller (D)
- *A Ronald McDonald (R)
- Jerry W Breen (R) (R)
- Waldo W Moberly (R)
- *Dave M Manning (D)
- Robert S Cotton (D)

COUNTY

- Beaverhead
- Big Horn
- Blaine
- Broadwater
- Carbon
- Carter
- Cascade

- Chouteau
- Conrad
- Dawson
- Deer Lodge
- Fallon
- Fergus
- Flathead

- Gallatin
- Garfield
- Giaxier
- Golden Valley
- Groenle
- HILL
- Jefferson
- Judith Basin
- Lake
- Lewis & Clark

- Liberty
- Lincoln
- Madison
- McCone
- Meagher
- Mineral
- Missoula

- Missoula
- Musselshell
- Park
- Petrolem
- Phillips
- Pondera
- Powder River
- Power
- Pratt
- Rawlins
- Richland
- Roosevelt
- Sanders
- Sheridan
- Silver Bow

- Stillwater
- Sweet Grass
- Teton
- Toole
- Treasure
- Valley

HOUSE OF REPRESENTATIVES

- (D) 37 (R) 57
- Frank W Hazebaker (R)
- Clyde L Hawks (R)
- Francis Barbeau (D)
- Joy I Neah (R)
- Richard A Nutting (R)
- Richard D Tooke (R)
- Alex Blawette Jr (R)
- Malcolm E Holtz (R)
- John E Nearden (D)
- Wm Wm E Shan (D)
- C E Smith (D)
- James P Lucas (R)
- Arthur E Lund (R)
- Fred W Schepens (D)
- Warren Davis (D)
- Dr S A Weeks (R)
- J O Ash Johnson (R)
- Fred O Broeder Jr (R)
- Marshall H Murray (R)
- Vigil Hanks (D)
- John N Thompson (R)
- Bert D Boughton (R)
- Joe H Lewis (D)
- Ed Kelms Jr (R)
- Carl Nelson (D)
- Paul E Stuy (D)
- Paul E Brenner (D)
- Eurolet D Cummings (D)
- Milo Jensen (R)
- Dan Dyckstra (R)
- Thomas L Judge (D)
- Walter Laas (D)
- Arthur H Shelden (D)
- W F "Bill" Garrison (R)
- J Stewart Wright (R)
- Elmer Schve (R) (D)
- Kernit G Welch (D)
- G W Deschamps (R)
- Tom Haines (R)
- Robert D Watt (D)
- Florian Baldwin (R)
- Warren W Harper Sr (D)
- Robert S Raundal (D)
- Leslie Eskildsen (D)
- Eugene Sagen (R)
- Carl J Beck (R)
- Arnold H Falkenberg (R)
- Norris Nicholas (R)
- Georg S Kvallen (R)
- Loren Casey (R)
- Vic East (R)
- Henry L Gill (D)
- Nephus Aashelm (D)
- John H Good (D)
- Jerry Lombard (D)
- Ray J Mayrynen (R)
- John H Leuthold (R)
- Gene Solter (R)
- Nels Hemstad (R)
- Leonard D Cassin (D)
- L W "Sh" Bailey Jr (D)
- Merwin ...

- Edward A Johnson (D)
- Arthur Deburnsen (D)
- Conrad F Lundgren (R)
- William Zimmer (D)
- Richard D Smiley (R)

- Gordon R Tweed (D)
- Jean A Turnage (R)
- Henry S Hibbard (R)

- Elmer Flynn (D)
- Harry T Northey (R)

- Allyn W O'Hair (D)

- John E "Jack" Healy (D)
- Thomas P Tracy (D)
- Mark S Elchart (R)