

### *Finding Progressive Values in the Northern Rockies and Plains States' Constitutions*

BY SAMUEL WESTERN

WHILE talking with Wyoming historian Phil Roberts about my forthcoming book on politics in the West, I was startled when he said, “I’ve been studying the Wyoming constitution for years. Yet I’m starting to revise my opinion of it. It’s actually more progressive than we think.”

I told Phil to stop putting Jim Beam in his coffee. Intrigued, I explored his premise. Not only did I agree with Roberts but discovered that like Wyoming, four other states had written or rewritten their constitutions in 1889: North Dakota, South Dakota, Montana, and Idaho. These 89ers, as I call them, infused progressive ideas into their founding documents.

Their vision was both Republican in party and republican in philosophy, no mean feat in that era of clashing ideals and aspirations. The delegates were generally conservative: they respected tradition and free enterprise while recognizing that the Gilded Age had given too much to too few. As a result, egalitarianism and pragmatism were the bywords. These constitutions were modestly populist, suspicious of corporations, wildly pro-agriculture, enthusiastic about commonweal republican virtues, and mostly pro-suffrage. While narrowly inclusive by modern standards—excluding American Indians, Asian Americans, and Mormons—these constitutions were considered a model of amplitude by nineteenth-century benchmarks. They curtailed child labor and instead promoted affordable public education. They looked out for the working stiff and clamped down on railroads and irrigation companies to prevent monopolies. The secret ballot found favor shortly after statehood. Over the years, the 89ers accepted the odd duck and unconventional: Hutterites, Mennonites, syncretic New Age communes, white supremacists, doomsday cults, and Jewish colonies. The five constitutions enshrined an explicitly central-planning concept significant in arid states: state ownership of running water.

Here’s the paradox of the matter: the republicanism of the 89er constitutions bears little resemblance to

present-day Republicanism, yet the two are often conflated. The 89ers all began as part of the 1861 Dakota Territory, and this new addition to the nation exuded small “r” republican ideals, necessarily differentiated from the big “R” Republican party. As historian Jon Lauck wrote in *Prairie Republic: The Political Culture of Dakota Territory, 1879–1889* (Univ. of Oklahoma Press, 2010), “The republicanism I find to be a powerful current in Dakota Territory relates the political ideology with roots in ancient Greece and Rome and early modern Italy and England.” If you were unfamiliar with what republicanism meant in 1861, Lauck continued, “think of the general political principles of Thomas Jefferson, not the specific platform of Ronald Reagan.” In short, the historical values of inclusivity in these states’ constitutions do not square with the values of the current political narrative.

Another fallacy in the political story line is that the Great Plains and Northern Rockies have always been largely Republican (Montana excepted), pro-business, and “conservative.” When I asked retired senator Alan Simpson, a Wyoming Republican, about this perceived GOP dominance, he balked. “Well, we can forget that notion. The longest-serving U.S. Senator in Wyoming history was a Democrat, Joseph O’Mahoney. He was in office for over twenty years. Look at Ed Herschler [another Democrat and the] only three-term governor we had. And he was just what we needed. We do not have a history of being a Republican-only state.” Historian Marshall Damgaard possesses an encyclopedic knowledge of the Great Plain’s political past, particularly his native South Dakota. He summed up the state’s narrative this way: “Many people, even South Dakota residents, perceive that this state has, politically, always been a dependable (read: boring) conservative bastion. The historical record screams otherwise.”

A 2019 Gallup poll identified all of the 89er states as “highly conservative,” with Wyoming and South Dakota among the most conservative states in

the nation. In 2020, all the 8gers voted for Donald Trump, with Wyoming leading the nation at 70.4 percent to the incumbent.irate citizens wave copies of their state’s constitutions at public meetings, declaring them ignored repositories of unerring—and selectively conservative—wisdom. Such displays are common in *movement conservatism*, a trend that has been around since the Great Depression, gained momentum with Barry Goldwater around 1964, and took off under the neoliberal economic policies of the Reagan era. It advocated for minimal government, corporations, and individualism and against welfare, regulation, and unions. Later, anti-abortion, gun rights, and a chauvinistic American exceptionalism became part of the platform. This version of conservatism, however, does not reflect these states’ founding documents. Nor did it find solid footing in the Great Plains and Northern Rockies until the late twentieth century.

To understand this turn, we need to move beyond political labels. In 1889, liberal was a term of esteem, regardless of political affiliation. In the tradition of Edmund Burke, liberal was synonymous for generous and, up to a point, inclusive. Defending the idea of women’s suffrage, at the Wyoming constitutional convention, John Hoyt asked for the support of a body of men “so intelligent, so high minded, so liberal as those who compose this convention.” Conservative carried some of the same connotations as today’s meaning. It meant cautious or prudent and encouraged following historical or judicial precedent. Henry B. Blackwell, co-founder of the national Republican Party and an advocate for women’s suffrage, spoke to the Montana constitutional convention. He pitched a “very simple and conservative proposition.” Give women the vote. Why? Because it embraced the principles of equality found in the U.S. Constitution. Conservative did not mean, however, anti-government, either federal or state. It did not mean exclusivity. Unlike liberal, conservative could infer negativity. Democrat James W. Reid told his fellow delegates at the Idaho convention that the press saw him as overly conservative and thus a mossback, or in other words, a stuck-up-to-the-hubs feudalist.

Republicans took progressive stances on a range of issues debated at the 1889 conventions, and they did not turn away from the progressive label—an umbrella term for anyone hoping to make economic

or social progress. Loyalty mattered. Party schisms notwithstanding, the GOP of the Great Plains and Northern Rockies had not drifted far from the party of Lincoln. They were unionists, first and foremost; many of the 8ger conventioners had either served in the Union Army or had relatives who had. The GOP craved state autonomy and wanted to run their own affairs, but, given the memory of the Civil War, delegates were suspicious of extreme state sovereignty. This rejection of radical state’s rights theory made them relatively progressive by modern standards. The Republicans of the 8ger era gave credence to security, especially relating to safety and stability. They were attached to the business community and wanted minimal taxation, but accepted taxes as necessary for proper governance. They subscribed to the gold standard and advocated for protective tariffs to safeguard domestic industry and investment. But they weren’t so besotted with the bottom line as to ignore the darker sides of the Gilded Age’s laissez-faire economic policies. Two years before, Congress passed the Interstate Commerce Act, subjecting railroads to federal regulation. In 1890, Congress further restricted monopolies with the Sherman Anti-Trust Act.

The GOP of most western territories had progressive opinions about labor, women’s rights, and religion. They censured indentured servitude and child labor while protecting workers. In Montana, delegates expanded liability law in favor of injured workers. Women’s suffrage sparked some of the most passionate debate. The delegates’ attitudes were inconsistent when it came to other forms of inclusivity, especially concerning equal treatment for American Indians and religious freedom. Their take on religion seems progressive but was traditional. Chalk part of this up to the Enabling Act of 1889, the federal legislation that made these states possible. The Enabling Act mandated that a “perfect toleration of religious sentiment shall be secured.” Freedom of worship has deep roots in American history. While faiths besides Christianity were acceptable in the abstract, Christian sects proved problematic. South Dakota wrestled with anti-Catholic prejudice. The Idaho convention had a donnybrook over Mormonism.

If a core tenant of modern conservatism has been limited government, then these states face charges of ideological treason. The 1889 conventioners did not

subscribe to the adage that government is best when it governs least. They understood the potentials of state government and expanded its powers, passed laws that encouraged growth, and beefed up their bills of rights. In 1889, a period of economic, demographic, and social upheaval, change wasn't about to be kept in a cage. Idaho Falls has had a city-owned electric utility since 1900. North Dakota has the only government-owned general service bank in the nation. The legislature in Bismarck established the Bank of North Dakota in 1919 to promote agriculture and commerce. If one definition of socialism is government control of the means of production, then the Bank of North Dakota is Exhibit A. In 1932, North Dakota passed an anti-corporation farm law that still stands. In 1932, voters put Franklin D. Roosevelt in the White House. Out of 242 counties in the 89er states, only

architecture. By focusing on utilitarian, commodity-oriented education, the delegates etched in stone the demise of the family farmer. Large-scale farming and mining techniques, better plant genetics, and abandoning the mule for a John Deere—all changes encouraged by land grant universities—did not foster what Wendell Berry calls “self-determining local economies.” It killed them.

Delegates gave cities a bad deal. Cities were associated with industrial corruption and moral decline, charges which were sometimes accurate. Conventioneers restricted urban power, especially the ability to tax. Yet they overdid it. Even in 1889 cities were revenue and job creation machines. The delegates' reliance on rural nostalgia for public policy led to problems. If your creation story and source of revenue continues to be rooted in extractives and

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four voted against Roosevelt. North Dakota gave him a clean sweep. In 1980, South Dakota bought a failing railroad.

If the Northern Rockies and Plains have always been conservative, explain this: from 1913 to 1989, Montana only elected one Republican to a seat in the U.S. Senate for a single term. At the turn of the twentieth century these states, particularly in the Great Plains, voted for Republicans, Democrats, Populists, Socialists, and Progressives. After World War II, the 89ers sent some of the most storied Democrats—all centrists—of the era to Washington: Mike Mansfield, Frank Church, and Gale McGee. In 1986, North Dakota sent Democrat Kent Conrad to Washington for a twenty-six-year stint as U.S. Senator. A similar pattern applies to governorships. Between 1945 and 2010, a healthy twenty-six out of sixty-nine governors have been Democrats.

Economics played an outsized role in taking us where we are today. The 89er delegates laid the foundation for a series of single-driver extractive economies. They gave agriculture and mining every political and statutory advantage. State universities offered few urban-oriented classes in subjects like

agriculture, you're in for a struggle. Commodities live and die according to the forces of innovation. The folks on the producing end, whether miners, ranchers, or farmers, end up victims when technological innovation dictates a smaller workforce.

Subsequently, all 89ers have made some effort in addressing this state of affairs. Some are doing better than others. In 1974, Wyoming started a mineral trust fund but then used the money as a moat to keep change out. If the bills are paid, why bother diversifying the economy or examining core beliefs? South Dakota's Governor Bill Janklow fundamentally altered the state's economic landscape by changing banking laws in the 1980s. Sioux Falls became the credit card processing capital of the country. The rest of the state remains in thrall to commodity agriculture.

North Dakota has made a three-pronged attempt to reprioritize its values. After the 1997 Grand Forks flood, the state formed a partnership with the federal government that led Grand Forks to become a leading drone research center. It monetized proceeds from Bakken oil production by sticking revenues into the Legacy Fund, now worth \$8.2 billion. Finally, Doug Burgum, now governor but also founder of Great

Plains software, led by example. He showed how to leverage agriculture to foster information technology. The second-largest Microsoft campus is in Fargo. Yet outside of the cities and the counties of the Bakken shale, North Dakota's population declines.

Despite Idaho's conservative reputation, historic struggles between Mormon and Gentile, contention between the timber and mining economy of the north versus the agricultural south, and other areas of conflict forced the state to hammer out a form of pluralism. While commodities are still critical, Idaho recognized that cities create economic vitality. Look at Boise. It's the only capital of the 8gers to harness its connections to the federal and state government to build an enviable economy. Boise is at the center of Idaho's science and technology economy; semi-conductors accounted for 69 percent of Idaho's exports in 2019; double that of agriculture, mining, chemical, and paper products exports combined.

This brings us to the outlier: Montana. It alone took the bull by the horns. For most of its existence, extractives drove Montana's economy and captured the legislature in Helena. The Anaconda Company didn't just produce copper; it had hundreds of subsidiaries in related industries. By 1930, it controlled eight Montana newspapers. It became a multinational corporation and owned the world's largest copper mine in Chile. When the Chilean government nationalized the mine in 1971, Anaconda, already unsteady from weak prices, was doomed, although it took ten years for the swan song. Its decline cost thousands of Montana jobs. This contributed to the decision to call a constitutional convention.

In 1972, Montana had enough confidence to rewrite its constitution, unafraid of losing its essential core. In doing so, it codified a court-ordered balancing of apportionment—even if it did favor urban districts—and eased restrictions on cities. Delegates reinforced equal protection, strengthened government transparency requirements, and bolstered individual privacy rights. Yet, they were chary of extremes. While affirming the right to bear arms, the delegates refused to make gun registration or licensing unconstitutional. Nor did they declare abortion a violation of the constitution. But they were not so timid as to back away from preserving Montana's landscape. It acknowledged the fundamental value of nature as more than its commodities, obliging the state and

citizens to maintain “a clean and healthful environment.” The 1972 constitution rekindled the flame of those egalitarian ideals set forth in Helena in 1889 by crafting a constitution that reflected transformations in the state and planned for the future.

Change is coming. In many ways, it is already here. To understand what aspects of these older values fit into our present context, we need to examine key narratives in agriculture, commodities, cities, and their relationship to state and federal government. This will not be easy, but other regions have undergone similar transitions. In 1849, Ohio produced more corn than any other state; most people were farmers. By the early 1900s, most Ohio residents lived in urban areas and worked outside of agriculture. Realizing these changes, Ohio created multiple identities. Now it has four cities with over 250,000 people; it has 137 colleges and universities, including fourteen four-year research universities and seven medical schools. It has ten ports with access to the ocean. Its companies produced \$112 billion worth of manufacturing goods in 2018. Hell, it even has the Rock and Roll Hall of Fame. It is still the tenth-largest corn producer.

The 8gers have to let go of commodities the way Pittsburgh let go of steel. Mills still pour steel within shouting distance of the confluence of the Monongahela, Allegheny, and Ohio Rivers, although none within city limits. The Steelers still pack their stadium. Yet advanced manufacturing, healthcare, and information technology drive the economy. Many people in the Northern Rockies and Great Plains are reluctant to see this happen, largely because they know nothing else. We have to invent our future. In the end, it is about the dignity of meaningful and rewarding employment.

This author champions a fundamentally conservative ideal: if people want economically viable, small to medium-sized communities, if they want stability and a societal model that permits the inclusion of responsible citizens of all stripes—the values embodied in all these state constitutions—then extractive industries must be seen as the icing on the cake, not the cake itself. When commodity extraction is perpetuated through political means as critical to the community's existence, an economic roller coaster with social consequences, like rural population loss, is inevitable.

These states need a realistic conversation about



**President Jimmy Carter meets with Ambassador Mike Mansfield in 1978. After ten years in the U.S. House of Representatives (1943–1953), twenty-four years as Montana’s U.S. Senator (1953–1977), and the longest tenure as Senate Majority Leader in U.S. history (1961–1977), President Carter appointed Mansfield as ambassador to Japan. During his career in the Senate, Mansfield earned a reputation as a pragmatic leader, instrumental in the passage of the Civil Rights Acts, the Voting Rights Act, and President Lyndon B. Johnson’s Great Society programs.**

White House Staff Photographer. 177894, Jimmy Carter Presidential Library, Atlanta, GA

what constitutes acceptable partnerships with government. The region’s endorsement of Donald Trump highlights voters’ devotion to conservative values that, due to their lack of agility, are ineffective against the greater forces that threaten to topple them: technology, climate change, a pandemic, and foreign economic competition to name a few. Instead of Democrat or Republican, think about the values of 1889. Circa 2021, Republicans in these states embrace a scorched-earth policy toward government oversight. The 89er constitutional delegates were no fans of Washington, but they understood banishing it would lead to fiscal calamity. The current GOP stance on the role of government would be utterly alien to the signers of these state constitutions.

Lastly, integrity was a central 89er value. Its ultimate expression is in freedom of conscience. This ideal permitted people of all faiths and beliefs to live amid mountains and plains. There have been a few sorry exceptions, like Montana’s 1918 Sedition Law. It criminalized any negative statement about

the government. Repeal came three years later. Yet freedom of conscience has fallen out of favor. Trending to the apex is loyalty, which is morphing into its ugly stepchild, obedience. Whoever packaged loyalty and obedience and sold it as freedom may be a marketing genius, but it is authoritarianism—the ultimate anti-89ers value—in disguise. The 89er states remain unable to reckon their cultural identity, a rural exceptionalism linked to commodity production, rooted in republicanism, with the multicultural, pluralistic society of our future. This seemingly unreconcilable split must be resolved.

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