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Court hears arguments over game farm elk

By BOB ANEZ
Associated Press Writer

HELENA — Owners of a Bitterroot Valley game farm broke the law when they shipped some of their elk to the Crow Tribe last year and a court order prohibiting any more shipments should remain in place, the Montana Supreme Court was told Tuesday.

A lawyer for the state Department of Fish, Wildlife and Parks said the law requires such alternative livestock be kept at licensed and

fenced facilities, and the Crow Reservation does not fit that description.

So Len and Pamela Wallace acted illegally in allowing some of their elk to be shipped to the reservation where they could run wild and mingle with native elk, Bob Lane, chief attorney for the fish and game agency, said during arguments before the high court.

Most justices appeared to agree, asking critical questions of the Wallaces' attorney.

Justice Terry Trieweiler indicat-

ed the law restricting placement of game farm animals, the state's authority over the Wallaces as licensed farm operators, and the department's duty to protect wildlife were strong arguments in favor of Lane's position.

But Art Wittich, representing the Wallaces, said the law cannot apply to a tribal government and it was the tribe — not the Wallaces — turning the elk to the reservation and turning them loose.

Once the animals were loaded on a truck at the Big Velvet Game

Farm, the Indians owned the elk, the Wallaces had no control over what happened to them, and the state lacked authority over the sovereign nation, he argued.

The court is expected to issue a ruling in a few months.

The case arose last spring when the Wallaces decided to get rid of their elk herd. They said a law approved by voters in 2000 put such severe restrictions on game farms that they were unable to continue their operation.

The Crow Tribe agreed to take the

Wallaces' elk as a donation and the first load of 68 animals was picked up and taken to the reservation, despite a warning by state wildlife officials that the move was illegal.

The state obtained a District Court order blocking any further shipments and the Wallaces appealed.

Since then, the couple has been trying to liquidate the herd by allowing people to shoot elk for free. Wittich said the Wallaces still have

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Remembering Meagher

The turbulent life and mysterious death of an Irish Patriot, American Civil War general, and Montana Territorial Governor

By HANK BURGESS
Special to the IR

Thomas Francis Meagher was born Aug. 3, 1823, in Waterford, Ireland. He was to become a leading figure in the Irish independence movement of the mid-19th century, due mainly to his brilliant mind and extraordinary oratory abilities. In the Irish Uprising of 1848, this young, freedom-loving patriot took the leadership in efforts to liberate the Irish people from English tyranny. He, along with eight other Irish political heroes, was convicted for treason by an English court. All were sentenced to be hanged, drawn, and quartered.

However, due to worldwide protest, Queen Victoria commuted the death sentences and banished them to Australia. To a man, all nine would eventually become prominent governmental and military leaders in Australia, Canada, and the United States.

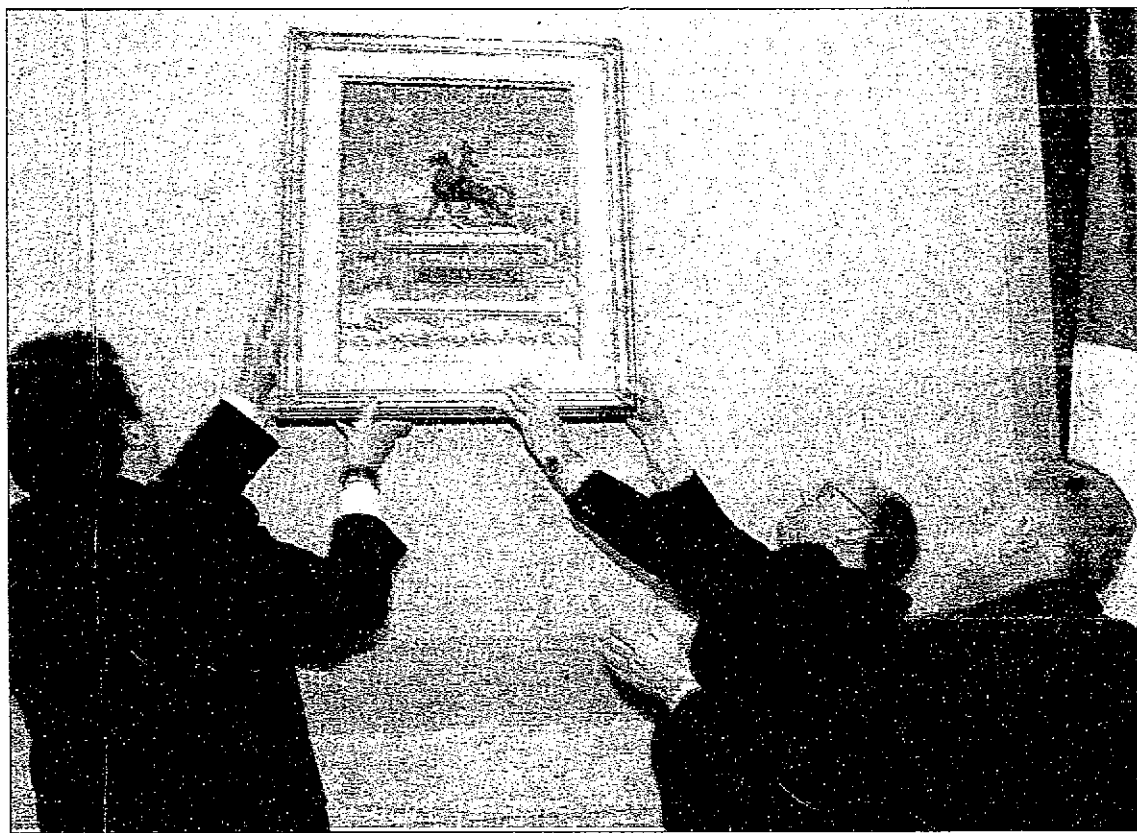
Young Meagher escaped in 1852 to New York where he was welcomed as a young, handsome, and romantic victim of British oppression. He soon earned a nationwide reputation as a lecturer and journalist, traveling across the country to address huge audiences as he went.

When the Civil War erupted, Meagher formed a company of men of Irish descent, which later became part of the "Fighting 69th" Regiment of New York. He then proposed the formation of the Irish Brigade, composed mainly of Irish immigrants and Irish-Americans and was appointed commanding general by President Lincoln.

This hard-charging unit, with Meagher at its head, proceeded to bring much glory upon itself in such battles as Fair Oaks, Mechanicsville, Gaines Mill, White Oak Swamp, Antietam, and Fredericksburg. Meagher's fame and military record prompted President Andrew Johnson to appoint him secretary of the Montana Territory in 1865. Eventually, he became acting territorial governor, a post he held from September 1865 to July 1867.

Meagher's tenure as territorial governor in Montana was marked by turmoil. The territory was a political bedlam. Lawlessness was common in those post-war years, and the vigilantes who were supposed to protect the innocent were at times little better than the unruly.

Legislators and state executives were in relentless conflict. In the meantime, refugees from the Confederate army were pouring in to disturb the Unionists, and there was constant danger of war with Indi-



HELENA-ARTIST BOB MORGAN (right) watches as P.J. McHugh (left), president of Helena's Thomas Francis Meagher Division of the Ancient Order of Hibernians, and Secretary of State Bob Brown, hang the original painting of General Thomas Meagher in Brown's office.

an tribes. In spite of it all, Meagher is given credit for leadership in the progress Montana made toward statehood. He called for the second legislative session in the future state's history, and shortly after summoned a constitutional convention to

meet in Helena, although it took many more years before Montana was to become a state.

In the midst of such efforts to establish a bona fide state, this colorful figure's career came to an abrupt end that remains a mystery. On July 1, 1867,

while in Fort Benton, Meagher mysteriously disappeared from the riverboat on which he was spending the night.

He apparently fell or was thrown from the docked vessel during the night and drowned, although how and why still remain unknown.

Since Meagher was no friend of the political disturbers of the time, nor of certain other hostile factions in the State, it has been theorized by some that he was murdered.

Then in the following years his reputation was considerably and unfortunately tarnished by political and religious adversaries who controlled a good deal of the press in Montana. But Thomas Meagher remains distinguished to both the Irish in

this country and in his homeland. The impressive statue that now stands before the state Capitol celebrates his memory.

Thomas Francis Meagher is noted for many things as shown above, but there is one other item that is little known about him. The present day national flag of the Irish Republic, known as the "Irish Tricolor", is composed of three distinct bands—green, white, and orange. In Meagher's early political days, the Confederation, as his movement was known, needed a banner. In the course of an address to his brotherhood, Meagher unfurled a splendid flag of three colors made of rich silk.

As he explained: "The white in the center signifies a lasting truth between the orange and the green, and I trust that beneath its folds the hands of the Irish Tricolor and Irish Catholic may be clasped in generous and heroic brotherhood." He further prophetically proclaimed: "I hope to see that flag one day waving as our National Banner."

So the State of Montana honors this man, who was an orator, journalist, lawyer, Irish patriot, American Civil War hero, Montana statesman, and perhaps a political martyr, by a monument. And the Helena Hibernians, Thomas Francis Meagher Division, honors Meagher by the commissioning of a Bob Morgan painting of the memorial that stands at our State Capitol.

Hank Burgess is a member of the Thomas Francis Meagher Division of the Ancient Order of Hibernians.

Montana Rail Link layoffs hit 22

Ongoing slump in business prompts cuts

MISSOULA (AP) — Montana Rail Link is immediately laying off 22 workers across the state because of a continuing downturn in business, the company said Tuesday.

The job cuts are throughout the MRL system, which stretches from Spokane to Billings, and at all levels, said spokeswoman Lynda Frost.

"Probably a majority are from the Missoula area," she said, adding that two are in Laurel and "some" in Livingston.

"We basically need to see what the business climate is going to provide for us during the year 2002," she said.

The regional railroad has 950 employees and more than 900 miles of track in Montana, Idaho and Washington. It is a unit of the Washington Group of companies, headquartered in Missoula and owned by Dennis Washington of Missoula.

Helena office, which makes up 10 percent of MRL force, loses one

By CHRISTINA J. QUINN
IR Business Writer

Of the 22 people Montana Rail Link is laying off because of a business downturn, one will come from the Helena Area, according to Lynda M. Frost, spokesperson for MRL.

The position being eliminated is in MRL's operating department, Frost said.

MRL announced the reduction in staff Tuesday afternoon, attributing the action to a loss of business from customers like Asarco's East Helena Smelter and Missoula's Smurfit Stone Container.

"I think business in general has been impacted," Frost said.

The railroad industry, as well as other businesses throughout the country, has been plagued with business uncertainties and have been forced to lay off people, she said.

The company officials are hoping the economy will turn around later this year, according to Frost.

Employees in Helena make up about 10 percent of MRL's 950-member workforce.

Reporter Christina Quinn can be reached at 447-4075

Commissioners make committee assignments

By JOHN HARRINGTON
IR Staff Writer

The Lewis and Clark Board of County Commissioners has just about determined the members' committee assignments for 2002.

The commissioners serve on boards and committees throughout the county, providing oversight and leadership in areas from public works to mental health, emergency services and higher education.

Commission assignments are made by the commissioners themselves. Appointments are made by the boards or organizations that the commissioners serve.

One or two assignments may change in the coming days, but here are the expected commissioners' duties for 2002:

Mike Murray

Assignments: City-County Park Board; Cooney Conference Committee; Cooperative Health Center (CHC); Extension Service (MSU); Fairground Users Association; Fire Council; Golden Triangle Mental Health Board; I-15 EIS Task Force; Scratch Gravel Solid Waste Management District Board; Tax Increment Finance (TIF); Transportation Coordinating Committee; Weed Board.

Appointments: MACo Board of Directors Urban Counties' Representative; MACo Department of Environmental Quality Task Force; MACo Joint Powers Insurance Authority (JPIA) Board of Directors; MACo Joint Powers Authority (Worker's Compensation); MACo Resolutions Committee; Concentrated Employment Program Council of Commissioners.

Karolin Loendorf

Assignments: Disaster & Emergency Services; DUI Task Force; Human Services Task Force; Lewis and Clark Soil Conservation Service; Law Enforcement/Criminal Justice (Sheriff, Court Services, SSD, Coroner/Public Administrator, Clerk of Court, Detention Center, Justice of the Peace, Regional Juvenile Detention Center); Lincoln Community Council; Lincoln Solid Waste Management District; Prickly Pear Watershed Group; Project Impact Advisory Council; Public Works; Transportation Coordinating Committee; Transportation Plan Monitoring Committee; Upper Ten Mile Committee; Water Quality Protection District Board.

Appointments: MACo Justice Committee; NACo Wetlands Committee; NACo Steering Committee Member of Justice and Public Safety; Mental Health Association of Montana; Protective Services Advisory Council; VA Mental Health Consortium.

Anita Varone

Assignments: Administrative/Finance Services; Area IV Council on Aging; Augusta Solid Waste Management District; City-County Board of Health; City-County Home Board; Cooney Convalescent Home; District Court Judges; Gateway Economic Development Council; Humane Society; Information and Technology Services Board (ITS); Infrastructure Committee; Mosquito Districts.

Appointments: Helena Chamber of Commerce; Helena College of Technology and the University of Montana Dean's Advisory Council; Helena College of Technology and the University of Montana Protective Services Advisory Commission; Intermountain Children's Home; MACo Information Technology Committee; Montana Association of Female Executives.

All Three Commissioners

Administrative Staff/Public Works Meetings; Augusta/Lincoln Public Meetings; Budget; Cooperative Commission Meetings (East Helena, Helena, Jefferson County, Lewis and Clark County); County Attorney Monthly Meeting; Fire Council; Investment Committee; Joint City-County Work Session Monthly Meeting; Sheriff Department Monthly Meeting; Treasurer/Clerk and Recorder Monthly Meeting.

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