



## How Do We Protect Privacy in Our Digital Age?

Every one of us gives away a staggering amount of information about ourselves when we log onto a computer, post to a social networking site like Facebook or Twitter or use a mobile phone.

Every tweet includes four or five times more information than the 140 characters of the message visible to you, including information about your location and more.

Then there are all the websites that leave cookies on your computer, tracking every click to compile a profile to use to target you with advertisements.

And then the scariest thing: your phone.

"If you had told people 20 years ago that everyone would be carrying around mobile tracking devices, they would have said, 'Absolutely not,'" said Chris Calabrese, the ACLU's National Legislative Counsel for Privacy Issues. "But, we all are. They are our cell phones."

Calabrese works in the halls of Congress and the White House to try to protect you and me when we are online, on our phones and simply going about our daily business. He spoke in April at ACLU of Montana digital



*Chris Calabrese, the ACLU's Washington, D.C., legislative counsel on privacy issues (pictured with ACLU of Montana Executive Director Scott Crichton), told those who gathered for our privacy events in Missoula and Great Falls that Americans aren't even aware of the information they freely make available. Our cell phones, for example, are continually broadcasting our location.*

privacy presentations in Missoula and Great Falls.

We also hosted a Saturday morning workshop in Great Falls, organized by Board Members Jim Heckel and Mary Sheehy Moe to present people with an overview of the legal and legislative landscape for digital privacy in Montana and to give them practical tips on how to increase privacy in their

own lives.

The ACLU is increasingly focusing at the national and state levels on digital privacy as a core advocacy issue.

Wonder how and why sites like Facebook, Google and YouTube offer their services to you at absolutely no charge?

"If you're not paying, you're the product being sold," Calabrese said.

These sites offer advertisers information about us which they can use to offer us products we're more likely to buy.

Calabrese advocates a "Do not track" option, which would allow people surfing the web to tell companies not to follow their activities online.

Beyond corporate spying, there are

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As our supporters well know, the ACLU works in courts, legislatures, and communities across this nation to defend, advance and enforce the individual rights and liberties guaranteed by the U.S. Constitution and federal, state and local laws.

To advance that mission, the ACLU needs to engage and encourage our supporters to participate in civic dialogue and play an active role in shaping public policy. We accomplish this by strategically providing opportunities and program activities to inform the public about ACLU core principles, encourage them to communicate with policy makers and to mobilize the public around civil liberties and civil rights concerns.

Our tools include technology, media, programs and issue advocacy.

### Technology

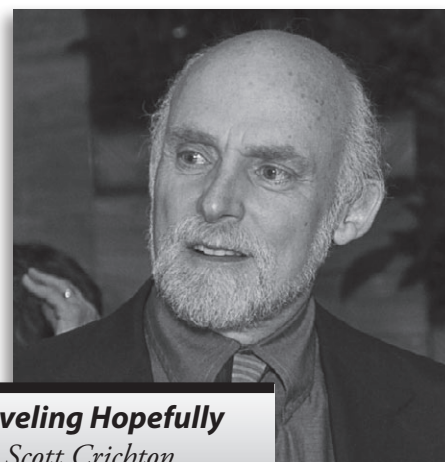
ACLU's e-lets are a shining example of how we keep people informed with timely opportunities for online engagement. While we have 1,800 statewide members and donors, we have more than 2,300 participants in our e-let program. When you sign up you get one email a week from the National ACLU and one email a month from the ACLU of Montana that help policy makers hear from constituents like you about key issues.

### Media

Our web page ([www.aclumontana.org](http://www.aclumontana.org)) provides a portal for the inquisitive, including regularly updated content and timely and informative blog posts. Likewise, you can stay informed by liking us on Facebook or following our tweets (ACLUMT). We garner regular mainstream media coverage on the work we do in the courts, in the legislature and in communities. So far this year our work has been included in well over 100 Montana news stories.

### Programs

In recent months, there have been numerous opportunities for our members and the general public to become better



### Traveling Hopefully

*Scott Crichton*  
*Executive Director*

informed and civically engaged. In the first quarter of the year alone we gave 16 public presentations in communities across the state. Our annual meeting included a terrific discussion on campaign finance reform, as well as a variety of issue workshops on drug law reform, reproductive rights, the death penalty and more. In April, Humanities Montana's symposium celebrating the 40<sup>th</sup> anniversary of the Montana Constitution included our former legal director, Betsy Griffing, and our Public Policy Director Niki Zupanic as panelists. Digital privacy presentations by National ACLU's Chris Calabrese in Missoula and Great Falls offered spot-on dialogue about privacy concerns shared by people of all political persuasions.

### Issue Advocacy

We have two ongoing campaigns in which we are central players. The Fair is Fair Campaign put boots on the ground to march with Parents, Families and Friends of Lesbians and Gays (PFLAG) in the Butte, America, St. Patrick's Day parade. The Montana Abolition Coalition summit meeting in Billings featured death penalty exoneration and victims' rights with keynote speakers who also toured more rural portions of the state. Both campaigns have their own websites and offer opportunities for grassroots involvement. Check them out at [www.fairisfairmontana.org](http://www.fairisfairmontana.org) and [www.mtabolitionco.org](http://www.mtabolitionco.org).

*Traveling Hopefully*, cont. on page 6

## Most Fall Ballot Issues Deserve ‘NO’ Votes

Of the legislative referenda assured to be on the general election ballot and those citizen initiatives that may qualify, several directly pertain to Montanans’ constitutional rights. What follows is a brief rundown of those ballot issues. More in-depth coverage will be included in our fall newsletter and on our website in the coming months.

### Legislative referenda

**LR-120:** Referendum to require parental notification prior to abortion for a minor, providing for judicial waiver of notification, repealing prior statutes, and providing penalties. This referendum is essentially the same as a law already ruled unconstitutional by the Montana courts because it infringes on the rights and safety of minors. We oppose this referendum.

**LR-121:** Referendum to deny certain state services to illegal aliens. The ACLU of Montana opposes this initiative because it would prevent those who need help from getting it, would create a situation where immigrants are distrustful of government and law enforcement, cost the state in the form of training and databases and potentially deny services to American citizens when those databases are flawed.

### Citizen initiatives

**CI-107** would amend the Montana Constitution to allow a person accused of a crime to argue to the jury the merits of the law. Jury nullification is a dangerous proposition – one that has been used in the past to acquit white defendants of crimes

against black victims. CI-107 has not yet qualified for the ballot.

**IR-124** would refer SB 423, the bill passed in 2011 to overhaul and restrict the state’s medical marijuana law, to the voters of Montana for an up or down vote. A “no” vote on the referendum would return Montana medical marijuana law to the way it was prior to the Montana Legislature’s revision of the law. We oppose the law passed by the legislature and urge people to vote no on IR-124.

**CI-108**, the “personhood” initiative, seeks to amend the Montana Constitution’s due process section to define “person” to include all human beings, at every stage of development, including fertilization and conception. It

*Fall Ballot Issues, cont. on page 5*

## —FRANK GARY

### MEMBER PROFILE—

Frank Gary has been a fixture at ACLU of Montana events for more than two decades, serving as a board member, National Board representative and committed volunteer.

A longtime Butte resident, Gary was born in Laurel, Mont., the son of an Irish immigrant mother and Italian immigrant father. He is a semi-retired speech and language therapist, graduate of the University of Montana and vocal advocate for society’s disadvantaged.

The ACLU’s commitment to protecting the rights of everyone – no matter their popularity – is a key reason Gary joined the union and continues to support it. “The ACLU

takes on cases other people are afraid to even talk about,” he said.

“I was attracted to the ACLU because of the work they were doing at the time on HIV issues and on prison reform,” he says of his earliest involvement with the organization. “There are just very few people who are interested in prisoners’ rights. They don’t understand that when you put someone in prison you become responsible for them.”

During his 9-year tenure on the Montana board and five years as a National Board representative, Gary said he is most proud of the work the ACLU did in Montana to secure health insurance for same-sex partners of state employees and in the investment the National ACLU made in

building up the resources of state affiliates like Montana.

“They know at the National level that it takes strong state ACLU affiliates to lead the civil rights work in our country,” he says. “There are some issues we have to work on always, and have to work on everywhere.”





## Montana Prison Project Settlements Protect Inmates' Rights

The Montana Prison project recently celebrated two positive settlements with Montana State Prison – one limiting the use of solitary confinement on juvenile prisoners, and the other ensuring that prisoners will be able to receive and send correspondence in foreign languages.

And in April, the ACLU of Montana welcomed a new attorney to take the Montana Prison Project's helm (story page 9).

### Solitary confinement

"I brought this lawsuit so no one else would have to endure the torture I endured."



*Raistlen Katka discusses his case with ACLU of Montana cooperating attorney Andree Larose. A settlement in his case was reached in March and will protect juvenile inmates at Montana State Prison from being subjected to months in solitary confinement. "I brought this lawsuit so no one else would have to endure the torture I endured," he said. Photo courtesy of Eliza Wiley of the Helena Independent Record.*

That's what Raistlen Katka said when he found out the ACLU had reached a settlement with Montana State Prison to protect juveniles from being locked in solitary confinement for months on end with no review and no way out.

Raistlen was barely 17 years old when he was thrown into solitary. He spent well over a year in an isolation cell. His only relief was an hour a day, five days a week, when he was allowed to shower and toss a basketball in a dog run-sized cell with a view of the sky. Mental health visits, when offered, were through the window of his cell, in full hearing of other inmates. At times Raistlen was stripped naked, given only a smock to wear and denied bedding or running water in what the prison calls "behavior management programs."

This treatment took its toll on Raistlen. He tried to kill himself multiple times -- even by biting through the veins in his arm.

Yet today Raistlen is a productive member of the community, thanks to the ACLU and our cooperating attorneys' (Andree Larose, Jen Giuttari and Ron Waterman) efforts to get him out of solitary confinement and into the mental health treatment and education he so desperately needed. He has his GED and a job.

The settlement mandates:

- Juveniles cannot be placed in solitary confinement or behavior management programs for longer than 72 hours without the approval of the director of the Department of Corrections or warden.
- Juveniles will initially be placed in the lowest category of confinement unless they have a significant institutional history or have been convicted of a severe offense.
- Classification of juvenile inmates will take into account their unique needs for education and mental and medical treatment and their lack of full maturity.
- Mentally ill prisoners cannot be placed into solitary confinement if it is determined it will harm their mental health, and those in solitary confinement must receive private treatment sessions with a mental health professional as often as necessary.
- Suicidal inmates cannot be placed in behavior management programs.

These are meaningful and necessary changes to Montana State Prison policy. No juvenile should go through what Raistlen did. Now, if the State upholds its end of the bargain, no juvenile will have to.

### English-only Lawsuit

In March, the ACLU of Montana settled a lawsuit, *Diaz-Wassmer v. Ferriter*, filed on behalf of an inmate at Montana State Prison denied the ability to correspond with his family in Spanish.

The prison's "English-only" policy violated the First Amendment right to free speech and the Fourteenth Amendment Right to equal protection. In the settlement, prison officials committed to making a good-faith effort to find translators to handle correspondence in foreign languages so that it can be screened for security.

The plaintiff in the case, William Diaz-Wassmer, is serving a life term at Montana State Prison. For the first two years of his incarceration, Diaz-Wassmer was able to

*MT Prison Project, cont. on page 9*

## Legal Program Logging Successes and Moving Forward

by Jon Ellingson, ACLU of Montana Legal Director

There are so many exciting developments involving our legal department that it's hard to know what to highlight. Let me try.

First, it is great to have a full staff again.

Every week we receive about 25 letters asking for assistance. While many seek help that is beyond our mission, we promptly and politely respond to each. Of the remainder, each requires thought and analysis to determine whether we can proceed. Sometimes this entails legal research or factual investigation. Many requests don't require a lawsuit, and are resolved with a demand letter. All of this is time-consuming. So the hiring of our new staff attorney, Anna Conley (story page 9), added to our ability to handle this workload efficiently.

Beyond the simple addition of another working attorney in the office, I am delighted in particular with Anna. She has a remarkable academic background, superb writing skills, and an energy and commitment to civil liberties advocacy that are already making an important impact in the office.

Second, we have reconstituted a "legal panel" to advise us on which cases to file with the courts. The panel consists of a group of distinguished lawyers, including three board members, whose perspective is invaluable in helping us decide where to invest our limited resources.

The panel met for the first time in May and recommended that we participate in two new cases, later approved by our board of directors. One suit challenges the disparate and unfair program options that are given to the women in our prisons. The other attacks statutes that unconstitutionally burden an indigent defendant's right to counsel and impose additional responsibilities on the overtaxed public defender system.

Third, our litigation schedule has been busy. We can be proud of the settlements that we negotiated in

two prison cases (story page 4). In *Katka v. Montana State Prison* we achieved a breakthrough in securing the more humane treatment of juveniles and mentally ill inmates at our prisons. *Diaz-Wassmer v. Ferriter* clarified the right of a prisoner to receive correspondence in his native tongue.

Prominent among our other litigation activities is the *Donaldson* same-sex domestic partnership case. Cooperating attorney Jim Goetz presented oral arguments to the Montana Supreme Court on April 13 (story page 11). This case is a significant part of our equal rights campaign for the gay, lesbian and transgender members of our community. We now await a decision from the Court.

Fourth, we have several ongoing investigations that may result in important new litigation. Stay tuned for future developments.

In closing, I want to share these thoughts as your new legal director: Working for the ACLU of Montana is a privilege. This organization has a proud history of protecting and advancing the civil liberties that each of us is entitled to. Being a part of this endeavor is personally and professionally rewarding to me. I look forward to our continuing success.



Jon Ellingson  
ACLU of Montana Legal Director

## Fall Ballot Issues

continued from page 3

would grant rights to fertilized eggs and place women's health at risk by subjecting their medical decisions to governmental review and approval. It would also limit contraceptive options and prohibit in vitro fertilization. We oppose this initiative. Please decline to sign the petition.

**CI-110:** Establish a right for adults to purchase, produce, consume and possess marijuana subject to reasonable state law limitations, taxation and regulation. The ACLU of Montana supports this initiative.

**I-166** would charge Montana elected and appointed officials with implementing a policy that corporations are not human beings with constitutional rights. The measure further charges our congressional delegation with proposing an amendment to the United States Constitution establishing that corporations are not human beings entitled to constitutional rights. While this initiative would make a statement, its practical effect would be severely limited by federal preemption and United States Supreme Court rulings.

## •• BRIEFS •••••

### Kalispell GSA

In March, we wrote to the Kalispell Public Schools superintendent and the principals at Flathead High School and Kalispell Middle school after students at the two schools were told that they could not form a Gay Straight Alliance club. Flathead High School eventually reversed its position and allowed the students to start a GSA and the middle school has since followed suit and is allowing students to form a club that deals with gay and lesbian issues.

### Geraldine Book Challenge

In February, the Geraldine School Board received a request to remove *The Absolutely True Diary of a Part-Time Indian* from its curriculum. The ACLU of Montana submitted a letter opposing the request, and the school board decided not to remove the book from the curriculum.

### Electing Justices by District Unconstitutional

District Court Judge Jim Reynolds ruled in late March that a legislative referendum to elect Montana Supreme Court justices by district, rather than statewide, is unconstitutional because it attempts to change how the justices are elected, but does not amend the Montana Constitution to change the residency requirements of becoming a justice.

The ACLU of Montana opposed this referendum from the start because it diminishes the office of Supreme Court justice by politicizing that office, and takes away Montanans' right to vote on all but one justice. Every justice on the Montana Supreme Court bench is elected to protect every Montanan's civil liberties, not just those within one district.

### Public Defender

We continue to monitor the Public Defender Commission and to comment on ways to improve services offered to the Office of the Public Defender's indigent clients, including the need to prioritize items in its submitted budget request that directly impact provision of client services.

### Helena Nondiscrimination Ordinance

The ACLU of Montana continues to partner with the Montana Human Rights Network to secure passage of an ordinance in Helena that will protect gay, lesbian, bisexual and transgender people from discrimination in employment, housing and public accommodations. Turnover in the city's legal department slowed progress, but the process is moving forward.

## Summer Interns

The ACLU welcomes two summer interns to our legal office in Missoula—both are students at the University of Montana School of Law.



### Rachel Wanderscheid

"I just finished my first year of law school at the University of Montana and I am excited to be working with the ACLU of Montana. This organization provides our state with essential services and I believe it is important to start my legal career with a strong foundation in ethics and the protection of rights. Working with the ACLU will allow me to learn from experienced advocates and will provide me with a distinctive perspective of the Montana legal system that I could not get anywhere else."

### Nick Hyde

"When I started law school and people asked me what field I was going into, I would tell them, 'punk rock law.' I didn't have a real definition for this, and honestly still don't, but I knew I didn't want to just be a tool wealthy parties use to exchange their money. I wanted to work for people in need, and to protect their interests. I applied for the ACLU because I support the work it does in protecting and promoting civil liberties, and I am excited and proud to be a part of this organization."



## Traveling Hopefully, continued from page 2

We move our quarterly board meetings around the state so we can meet with members in different communities. We've been in Billings and Great Falls so far this year, and will be in Dillon and Missoula in September and December, respectively.

To close, let me invite each of you to take another step towards helping us fulfill our mission. Sign up for our e-lets at [www.aclumontana.org](http://www.aclumontana.org) if you haven't already done so. Follow us more closely online to stay informed and to become further engaged. Attend one of our gatherings. Assert your rights. Don't let them atrophy.

Our success as an affiliate depends in large part on your level of engagement. Together we will make Montana a better place to live.



# Native American Voting Rights are a Crucial Part of Redistricting

by Niki Zupanic, ACLU of Montana Public Policy Director

Visit Crow Agency on Election Day and you can expect to walk into a celebration. At a recent public hearing held by the Districting and Apportionment Commission, tribal members described the feeling of jubilation and community pride that comes with exercising their right to vote and realizing the promise of equal electoral opportunities guaranteed by the federal Voting Rights Act.

Unfortunately, for decades that promise was thwarted by legislative redistricting plans that diluted Indian voting strength.

The hearings held by the 1990 Commission were a particular low point. The five commissioners, all non-Indian, were openly hostile to creating a proportional number of majority-Indian districts and providing equal representation for Indian voters. Commissioners called the plans submitted by tribal members “idiotic” and “a bunch of crap” and one declared that it would take the federal government to step in to draw district boundaries that respected tribal interests and reservation boundaries.

Well, we stepped in, instead, and brought a lawsuit on behalf of Earl Old Person, chairman of the Blackfeet Indian Tribe, and other tribal members in the state. Our plaintiffs challenged the fact that the plan eventually adopted by the 1990 Commission included only two majority-Indian districts, out of 100 House districts, even though American Indians comprised 6 percent of the state’s population.

It took nearly a decade for that litigation to come to a resolution, and in the meantime the next commission adopted a plan with six majority-Indian House districts and three Senate districts. As a result, at the next legislative election, Montana elected eight tribal members to the legislature – the most of any state legislature at the time.

Thankfully, the days of commissioners overtly attempting to disenfranchise American Indian voters are behind us. In fact, there appears to be universal agreement among the current commissioners regarding the importance of maintaining a proportional number of majority-Indian districts. The Commission adopted compliance with the Voting Rights Act as one of the mandatory criteria that guides their work and all five of the

plans currently under consideration maintain a proportional number of majority-Indian House districts.

We have shared our comments with the Commission, urging them to continue to protect American Indian voting rights, and will weigh in on further amendments to the proposed plans. There is still time for the public to comment on the plans, as well. Find more information on our website, [www.aclumontana.org](http://www.aclumontana.org).



Niki Zupanic

ACLU of Montana Public Policy Director

## Digital Privacy, continued from page 1



ACLU of Montana Board members Jim Heckel and Mary Sheehy Moe pulled out all the stops to organize an April digital privacy conference in Great Falls.

also the government’s efforts to track us.

The ACLU and ACLU of Montana continue to work to roll back Patriot Act spying provisions, to prevent REAL ID from being enacted and to keep local and state law enforcement from tracking you using your cell phone.

Though privacy protections lag behind government and corporate tracking efforts, it’s not too late, says Calabrese. We just have to work to make our laws catch up with technology.

It took more than 50 years after the invention of the telephone for the Supreme Court to rule that wiretapping requires a warrant, but it did happen, he said.

Let’s work together to make sure it doesn’t take

that long to enact new laws to protect our privacy in our digital age, laws that will:

**Protect Personal Information.** The government shouldn’t be able to get personal electronic information (like email, online documents, and search records) without a warrant. Employers shouldn’t be able to require your Facebook and email passwords when you apply for a job.

**Safeguard Location Information.** Cell phones transmit your location, but your cell phone shouldn’t be used as a personal tracking device without a warrant.

**Prohibit Use of Illegally Obtained Information.** Law enforcement shouldn’t be able to continue to use electronic information obtained illegally.

**Require Transparency Around Information Collection.** The law should require notice and regular reporting so you know when and why companies turn over your private information to the government.

“We haven’t turned the corner, but we are making progress,” Calabrese says. “The principles embedded in the Fourth Amendment are the bedrock of this country.”

You can find more resources at [www.aclumontana.org](http://www.aclumontana.org) (under the Issues tab), [www.aclu.org/dotrights](http://www.aclu.org/dotrights), and [www.aclu.org/blog/free-future](http://www.aclu.org/blog/free-future).



Brady Smith

## MEMBER PROFILE—BRADY SMITH

Brady Smith grew up with a deep interest in helping others. After graduating from Gonzaga University in 2006, Smith joined the Peace Corps and served in Ghana for two years, where she worked on helping farmers develop alternative livelihoods and starting an environmental club. After returning from Africa, Brady worked on her parents' ranch and as a journalist before starting law school at the University of Montana.

It was in law school that Smith became interested in the ACLU. She joined the student chapter and served as the law school representative to the ACLU of Montana Board of Directors during her last year of law school.

When asked what her favorite memories are from her time with the ACLU, she immediately responds they were from volunteering on the "English-only" case, which secured a settlement earlier this year ensuring Montana State

Prison inmates are able to send and receive mail written in foreign languages. Smith says this case, brought by ACLU of Montana's Montana Prison Project, is an important example of the ACLU standing up for people without a voice. Protecting inmates' rights falls on the shoulders of very few organizations, of which the ACLU is a driving force.

Smith emphasizes that young people must be full participants in the fight for civil rights for the movement's continued success. If young people don't become active now, a whole generation of progress could be lost.

Brady lives this kind of commitment in her work for the ACLU of Montana – volunteering as a board member and legal researcher and donating to the organization. Smith says donating and making sure memberships stay current are important ways people can demonstrate their commitment to civil rights.

Smith plans to continue her involvement with the ACLU after graduation. She hopes to get a job working in Montana after passing the bar in July.

## Working to End the Death Penalty

Death penalty abolition volunteers and supporters gathered in Billings in March for the Montana Abolition Coalition's annual summit. During the summit, family members of murder victims offered their perspectives as did the U.S.'s only woman death row exoneree.

Learn more about what you can do to fight capital punishment in Montana at [www.mtabolitionco.org](http://www.mtabolitionco.org).

PHOTOS (clockwise from lower left): Summit featured speaker Sabrina Butler-Porter hugs a supporter. Sabrina is the only female death row exoneree in the United States.

Montana relatives of murder victims stand with Murder Victim Families for Human Rights Executive Director Renny Cushing (far left) to show their support for abolition. AbCo staffer Rachel Carroll-Rivas checks abolition supporter Molly Bell into the event.







## Anna Conley

**A**nna Conley joined the ACLU of Montana staff in April as our staff attorney and director of the Montana Prison Project.

Conley's focus is on ensuring that inmates in Montana's jails and prisons are receiving the protections guaranteed to them by the Montana and U.S. constitutions.

After graduating from the George Washington University Law School in 2003, Conley practiced in San Francisco and Seattle for several years in civil litigation. She then received her LL.M. (Masters) and Doctor of Civil Laws from McGill University's School of Law in 2007 and 2011, respectively. During this time she taught international and comparative law as an adjunct professor, published many articles regarding international and comparative law in national law journals, and continued to practice in the field of commercial civil litigation.

She is currently an adjunct professor at the University of

Montana Law School teaching global perspectives on law. She is well-versed in international human rights law, and brings this international and comparative perspective to her work at the ACLU.

## MT Prison Project

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correspond with his parents, family and friends in their native language of Spanish. But starting in May 2010 he was prohibited from receiving mail in any language but English. The ACLU of Montana became involved in his case in 2011.

The settlement enables Diaz-Wassmer and other inmates to send and receive correspondence in foreign languages.

## Annual Meeting

About 100 members and donors gathered in Billings in March for the ACLU of Montana's annual meeting featuring ACLU National Legal Director

Steve Shapiro, a lively panel on campaign finance reform and workshops on pivotal civil liberties issues like the death penalty, reproductive freedom and more.

*Longtime ACLU members Jess Stickney, Jane Howell and Margaret Ping catch up. Jane passed away in May after a long battle with cancer. We will miss her and fondly remember her commitment to civil liberties.*



*Keynote speaker Steve Shapiro, ACLU National Legal Director*

## ANGIE LEPROHON & DAVID NIMICK

### DONOR PROFILE



Angie Leprohon and David Nimick want you to know that if they can write a will, you can, too. They are proud to share that they added the ACLU as a beneficiary. Wanting to help the organization continue its commitment to civil liberties, its passion for justice, and its focus on our nation's founding principles were paramount in the process.

### Why the ACLU?

Angie and David like the ACLU's non-partisan stance. "It's important to uphold the Constitution and protect the rights of all Americans, including supporting minorities in a society that often thinks only of the majority," they said. The ACLU "has been around for decades doing great things and holding a stellar track record throughout."

### Getting to Know Angie & David

Angie worked 30 years as an early childhood music specialist, teaching music and movement to young children. David is a

research hydrologist with the U.S. Geological Survey; he studies the geochemistry of natural and human-caused contaminants found in Montana's rivers and groundwater.

Angie, originally from Williamsport, Penn., and David, a Pittsburgh native, met in Roundup in 1976 while participating in the Alternative Energy Resources Organization's New Western Energy Show—a traveling road show, combining theater and technical exhibits to promote the use of renewable energy and energy conservation.

Playing music and backpacking are their favorite past times, though they also enjoy hiking, cross-country skiing, fishing, floating, and cooking together. They can often be found at Riley's Irish Pub in Helena on Thursday nights playing Irish music.

### Planned Giving

David and Angie said the hardest part of

estate planning was making it a priority. "It's easy to procrastinate because there is always something more urgent. And because dealing with your own mortality is not exactly a pleasant thing to do, so there was some personal resistance." But once they made the decision, it was a simple process. They talked with each other and then met with their attorney, who wrote the first draft of their will. They then edited the document and met again with the attorney to sign on the dotted line.

Angie and David strongly believe they have a duty to support causes they believe in, including civil liberties. Giving time and other support gives them the satisfaction of knowing they are making the world a better place. Furthermore, they were particularly motivated to get their estate plans finished because of the ACLU's Legacy Challenge in place this year. They love the fact that their future planned gift is leveraged with a cash match now.

## The Legacy Challenge

If you name the ACLU to receive a bequest through your will or living trust, or name the ACLU as a beneficiary of your retirement plan, savings account, or life insurance policy, our generous donor the Lu Esther T. Mertz Charitable Trust has set aside \$2 million in matching funds to make a cash donation today equal to 10 percent of your future gift's value, up to a maximum match of \$10,000.

For more information, please contact Kileen Marshall, ACLU of Montana's Development Director, at [kileenm@aclumontana.org](mailto:kileenm@aclumontana.org) or call toll-free (877) 867-1025.



## Domestic Partnership Plaintiffs Get Their Day in MT Supreme Court

The ACLU of Montana presented oral arguments in *Donaldson and Guggenheim v. Montana* to the Montana Supreme Court on April 13, in Missoula.

Lawyers for the American Civil Liberties Union appealed a district court ruling that had dismissed the case.

"The Montana Constitution guarantees fair and equal treatment to all people, including gay and lesbian couples," said lead attorney, James Goetz, of the Bozeman law firm Goetz, Gallik & Baldwin, who is acting as a cooperating attorney in the case. "This case is about giving loving, committed couples the recognition they deserve and ensuring that all families can thrive in Montana. Domestic partnerships are a way for the Montana Constitution's guarantees of human dignity and protection for all people to be upheld for same-sex couples."

"We love each other and want to be able to take care of one another and our family, just like everyone else," said plaintiff Jan Donaldson, who has been in a committed relationship with her partner, Mary Anne Guggenheim, for 29 years. "We would never try to tell other people how to live their lives, and we're just asking for the same respect."

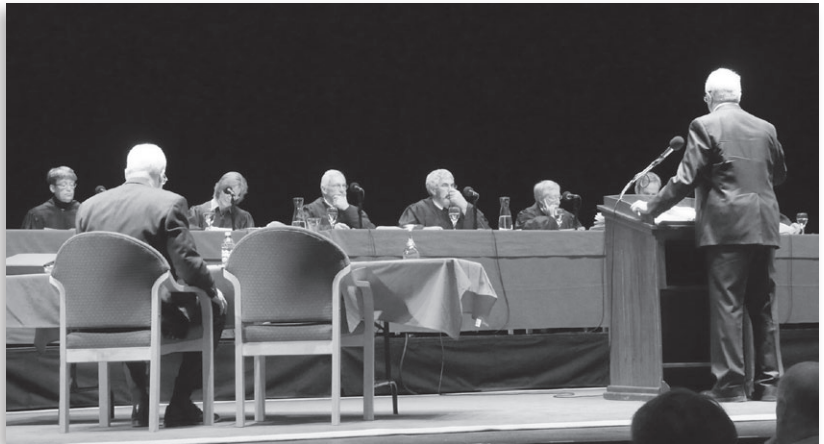
A Montana Supreme Court decision on the case could come any day.

Without domestic partnership recognition, the plaintiffs in the case have been denied the ability to take care of each other and their families. When Guggenheim had a hip replacement, the doctor's office staff would not speak to Donaldson without a release. Denise Boettcher of Laurel was denied bereavement leave when her partner Kellie Gibson's father died. Mary Leslie of Bozeman lost her home because she was ineligible for worker's compensation death benefits when her partner was killed in a workplace accident.

Sixty-six Montana religious leaders signed onto an amicus brief supporting the ACLU's appeal, stating that the couples in the case "have formed the kinds of partnerships that nourish, strengthen and stabilize congregations and communities... they deserve to have their relationships and families recognized and protected by the state."

Plaintiffs in the case are Mary Anne Guggenheim and Jan Donaldson of Helena, Stacey Haugland and Mary Leslie of Bozeman, Mike Long and Rich Parker of Bozeman, MJ Williams and Nancy Owens of Basin, Rick Wagner and Gary Stallings of Butte and Denise Boettcher and Kellie Gibson of Laurel.

In addition to Goetz, the couples are represented by Jon Ellingson, legal director of the ACLU of Montana; Elizabeth Gill, a staff attorney with the ACLU's Lesbian, Gay, Bisexual and Transgender Project; Ben Alke of



*Cooperating attorney James Goetz argues the ACLU's domestic partnership case in front of the Montana Supreme Court in Missoula on April 13.*

Goetz, Gallik & Baldwin P.C.; Betsy Griffing of Missoula; and Ruth Borenstein and Neil Perry of the law firm Morrison & Foerster LLP.

### Fair is Fair: Out and about in Montana

**IN BUTTE:** The ACLU of Montana joined Butte's Parents and Friends of Lesbians and Gays and the women's bucket-drumming group Chicks with Sticks in a 45-person pro-fairness contingent in the St. Patrick's Day Parade. Parade watchers showed enthusiastic support, and more than 100 people gathered at a post-parade reception hosted by the ACLU and catered by the Uptown Café.

**AT PRIDE:** The ACLU of Montana and the "fabuliffs" in the domestic partnership lawsuit *Donaldson and Guggenheim* (There is nothing "plain" about these plaintiffs.) will march in Montana's only Pride Parade. Join us Saturday, June 16, at South 5th Street and Main in Bozeman. The line-up starts at 10 a.m. and the parade steps off at 11 a.m. Bring your sense of fun and your commitment to civil rights for all. We'll supply the noise makers.

#### SCHEDULE & MORE INFORMATION:

[www.fairisfairmontana.org](http://www.fairisfairmontana.org) or [www.montanapride.org](http://www.montanapride.org).

**ONLINE:** The new Fair is Fair website means individuals, organizations and businesses can show their support for fairness more easily than ever – just go to [www.fairisfairmontana.org](http://www.fairisfairmontana.org) and click "Community." And don't forget to like us on Facebook and follow us on Twitter at @FairIsFairMT.



*Fair is Fair supporters sported both green and rainbow hues at the Butte, America, St. Patrick's Day parade.*





# ACLU

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Summer 2012

## With a Single Sentence, You Can Defend Freedom Now and Forever.

Right now, by adding the ACLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

Name the ACLU in your estate plans and the Lu Esther T. Mertz Charitable Trust will make a cash matching contribu-

tion of up to \$10,000 to the ACLU today, while matching funds are available.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free **877-867-1025**.

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# LEGACY CHALLENGE



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