



Reforming our Criminal Justice System

Overincarceration, public defense topics of March 1 annual meeting, film screenings

Criminal justice reform is an integral part of the ACLU's work. Without the ACLU, men and women in Montana's jails and prisons and defendants unable to afford attorneys would be sorely lacking in allies interested in their welfare.

The ACLU is intensely concerned about overincarceration. Laws passed in an effort to be "tough on crime" created unreasonably harsh sentences for drug offenses, placing ever-greater numbers of people in prison for ever-longer sentences. Mandatory sentences removed judges' ability to use common sense in imposing punishment. The end result? Overflowing prisons and no reduction in drug use.

And even as we spend exorbitant amounts of money on jails and prisons filled with people incarcerated in the failed "War on Drugs," the condition of those facilities can't keep up, leaving prisoners in unsafe, unconstitutional conditions without adequate access to the medical and mental health care mandated by law.

Meanwhile, those who are poor have little chance of justice. Despite the ACLU of Montana's work to win a settlement in *White v. Martz*, creating Montana's statewide public defender system, overworked and underpaid public defenders still lack



Zeke Edwards, ACLU National Criminal Justice Reform Project Director, will be the keynote speaker at the ACLU of Montana's annual meeting, discussing overincarceration, the failed "War on Drugs" and other problems and potential solutions within the American criminal justice system.

the time and resources to adequately defend the poor. That's why we continue to push for more funding for the Office of the Public Defender.

Reforming our criminal justice system will be the focus of this year's ACLU of Montana annual meeting, from 11 a.m.-5 p.m. Saturday, March 1 at the Holiday Inn Downtown, Missoula. Our keynote speaker,

Ezekiel Edwards, is director of the ACLU's National Criminal Law Reform Project.

Zeke seeks to advance criminal justice reform through strategic litigation and advocacy aimed at advancing drug law reform, ending mass incarceration, and challenging law enforcement abuses of power. As a project director, and previously as a staff attorney, Zeke works on cases and campaigns on a wide variety of issues, including to protect medical marijuana laws, challenge juvenile life without parole sentences, end abusive police and prosecutorial practices, reform indigent defense systems, and reduce excessive sentencing.

Annual Meeting

Saturday, March 1

11 a.m.-5 p.m.

Holiday Inn Downtown

Missoula

Keynote on Criminal Justice Reform by Zeke Edwards

Also featuring 'Gideon's Army' Defense Attorney June Hardwick, updates on ACLU of Montana litigation and round table discussions.

**Register at
aclumontana.org**

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Scott Crichton, Publisher

Amy Cannata, Editor

King, Mandela couldn't do it alone

With the passing of Nelson Mandela, I was struck by how seemingly the whole world mourned just as selective amnesia and wishful thinking set in to cloud and obscure the details of the struggle that embodied his lifetime.

I've heard it said that Mandela was on the US terrorist watch list into his 90s and that the CIA fingered him when he was underground and disguised as a chauffeur, resulting in his capture and lengthy imprisonment. His magnanimity in forgiving his captors and his insistence on reconciliation commissions to hold perpetrators of apartheid accountable were heralded while the gritty, painful, decades-long struggle against an abusive and dehumanizing regime was largely glossed over.

Mandela was a fighter – literally a boxer in his younger days. He was an outstanding individual as a lawyer, activist and champion of freedom – all making it tempting to reflect on the man rather than the mass movement of which he was but a part. Keep in mind that throughout his days as a political prisoner and, later, as the first president of a democratic South Africa, he sought insight and wisdom from others.

Madiba, as his followers called him, understood mass civil disobedience as a tool of social change, but he understood the advantage of military action as well. He knew that the ANC military arm was an essential component of meaningful change. He courted the Cubans as they fought for black African liberation in neighboring Angola, and he sought assistance from the Vietnamese who knew from experience how to successfully challenge a superior military power. No wonder he was seen as an enemy of the state.

There is a disturbing similarity to how Mandela's sanitized history is presented and how Martin Luther King's memory is preserved.

Recent revelations about the FBI's role in trying to counter the anti-war and social change movements of the 1960s reminded us that Dr. King was the target of surveillance under J. Edgar Hoover's FBI which tried to blackmail him into committing suicide.

Unlike Mandela, King's worldview was to its core non-violent. King studied Ghandi, another social change leader of an earlier time. Nonviolence did not mean inaction. Beyond tactics of boycotts and sit-ins, direct action rooted in nonviolent civil disobedience was his strategic lodestar. Civil disobedience was to King the essential weapon, his mantra buoyed by prayer and elevated through song. He led by individual example but his actions stimulated mass engagement.

Revisionist remembrances reduce reality to visions venerating these individuals in the most sanitized and compartmentalized ways while ignoring the force of the movement and the mass social change they helped inspire. The power of boycott is but one example – common to winning freedom in South Africa and in the USA – where change is based on mass participation.

We do a huge disservice to our understanding of history when we elevate these two iconoclastic figures above the mass movements they led. They were giants, and we should find strength from their leadership and example as we continue our work for justice. But the people they inspired, who took the blows and risked their lives for freedom, are as important in bringing about change.

We cannot forget that racism and apartheid, while significantly diminished, are still with us in 2014 and continue to be forces that undermine delivering on the dream of liberty and justice for all. The collective voice that is raised in resistance to the intolerable exercise of power by one class over another still needs to be heard. Democracy in South Africa and the US bore its roots and sprang forth nurtured in harmony and a steadfast commitment to human dignity.

Let us all do our part to deliver on the unfulfilled dream. Carry it on!



Traveling Hopefully
Scott Crichton
Executive Director

Protecting civil liberties is our mission. To do that, we need to always be mindful that means the civil liberties of ALL people.

The ACLU of Montana must protect everyone’s rights to free speech, to be free from intrusive government surveillance and to freely practice (or not practice) the religion of their choice, but we must also protect the individual needs of segments of our community that often face their own particular civil liberties challenges.

That’s why we fight for reproductive freedom for women, why we are litigating to protect the voting rights of Native Americans, why we look out for the rights of prisoners, and why we advocate on behalf of gay, lesbian and transgender people.

Having men and women from different parts of the state, with different sexual orientations, of different ages and different races and ethnic backgrounds makes us a board more aware of, and better able to respond to, everyone’s needs.

Three new members of our board (one appointed and two up for election) add to this rich mix.

Natascha Quimby was born in Germany to an American soldier and Dutch mother. She moved to Great Falls at age 8 when her father was stationed at Malmstrom Air Force Base. Natascha worked in health care as a nationally certified pharmacy technician while pursuing a degree at Montana State University College of Technology in

Great Falls before moving to Bozeman in 2003. There she became involved with the Queer-Straight Alliance at MSU, helping to increase the student-run organization’s presence on campus by participating in campus info fairs (Catapalooza, MSU Friday), resident assistant’s training, and by producing QSA’s popular bi-annual drag shows (Coming OUT Drag Show & Dance, Revolution Charity Drag Show).

Two new people on our slate of board candidates – Vickie LaFromboise and Walter Fleming (See their biographical statements on page 10-11) – offer a similar commitment to social justice and give the ACLU a much-appreciated and needed perspective from Montana’s Native American community.

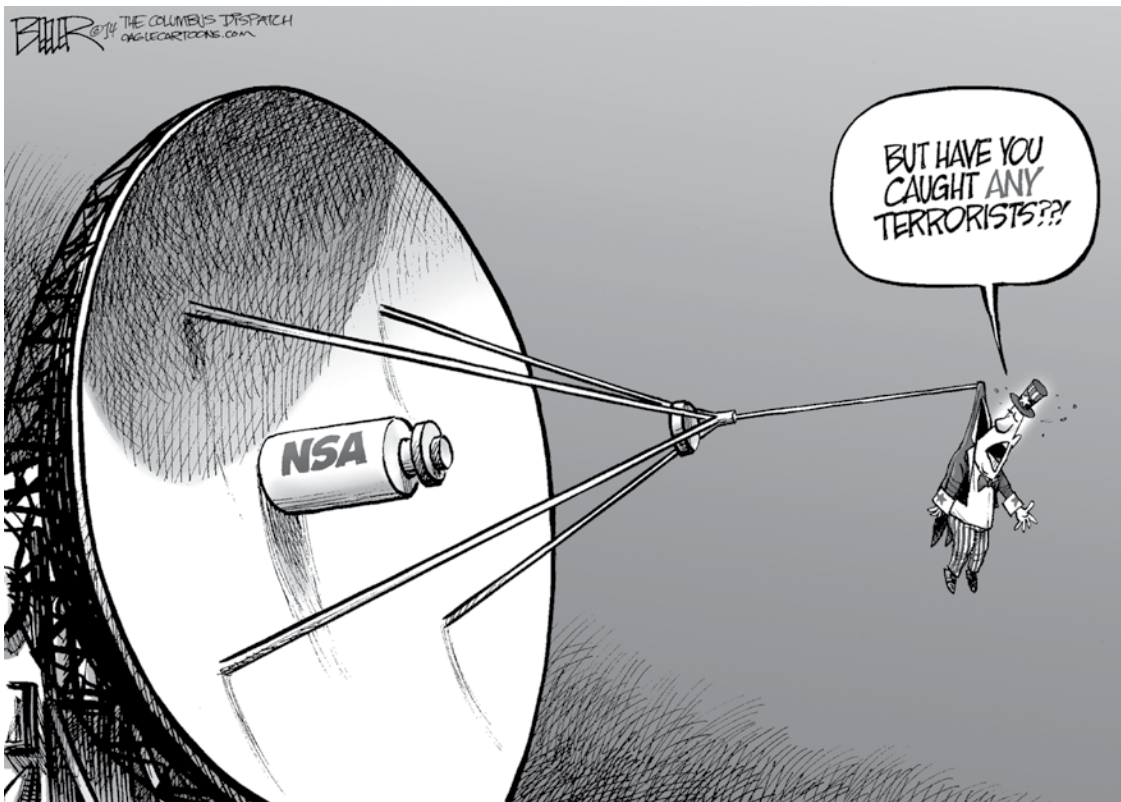
Vickie was appointed to the ACLU Board in August, 2013 and is now running for a full term. She is a Native American from the Blackfeet Reservation, and has worked with all of the reservations in Montana and numerous tribes and/or tribal organizations across the United States.

Walter Fleming was born on the Crow Reservation and raised on the Northern Cheyenne Reservation, and teaches at Montana State University.

We are grateful these three amazing people are committed to civil liberties in Montana and to the ACLU.



President’s Column
Nancy Nicholson
President of the Board



Improving Montana jails

I am a big fan of the “Amazing Race” reality show. I love the end when the winners reach the mat after traveling the world and the host says something like “10 countries, 10,000 miles – you are the winners of the Amazing Race!”



Jails and Prisons

*Anna Conley
Staff Attorney*

That’s sort of how I feel after 12 months of traveling across Montana (the fourth biggest state in the nation) talking with jail administrators and touring detention centers. My stats might not sound so grand – but here they are.

I, with ACLU of Montana staff accompanying me along the way, toured 25 detention centers across our state and interviewed 35 jail administrators. For the remaining handful of counties not interested in talking with us, we sent public information requests to gather background information on the detention centers’

conditions. We also sent hundreds of questionnaires to prisoners in county jails and received hundreds of responses. We are now compiling everything we’ve learned and preparing a comprehensive report on jail conditions in our state.

What have we learned so far? For starters, county sheriff’s departments are underfunded and understaffed, which often results in unconstitutional jail conditions. Counties are in desperate need of increased detention staff, increased wages for detention staff, funds to improve physical conditions of jails, and comprehensive policies to guide operations.

Inadequate resources for public defenders result in average pre-trial waits of 3-9 months, all of which is spent in county jails for those individuals who can’t post bond. Spending nine months in an overcrowded jail without adequate medical or mental health care, without going outside, without sunlight, at risk of sexual or physical assault, or without being able to receive visits from your children is cruel and

unusual by any standard. But that is exactly what is happening in jails across the state.

Despite the unconstitutional conditions witnessed in many facilities, I am heartened by the progress already made and optimistic we will see more improvements in detention centers across Montana in the coming months and years.

Beaverhead County built an outside exercise area. Musselshell County stopped using World War II surplus brig cells. Fergus County is considering building an outdoor recreation area and improving cell surveillance to improve safety. Big Horn County will provide all prisoners with undergarments.

Just as importantly, I believe many positive relationships are being fostered between the ACLU of Montana and county officials responsible for running detention centers. This, I hope, will result in continued cooperation to improve conditions. As Fergus County Sheriff Tom Killham stated in a recent news article about our negotiations to make improvements, “It’s good to have outside eyes looking at the facility.”

BRIEFS

LEGAL



Election Day Voting

The ACLU of Montana filed an amicus brief in a case challenging the legality of a legislative referendum that seeks to end same-day voter registration. We oppose any attempt to make voting more difficult for Montanans.

LR-126, which is scheduled to be on the November 2014 ballot, would eliminate Election Day voter registra-

tion, making the last day to register the Friday before an election. More than 28,000 people have used same-day voter registration since 2006. Courts have repeatedly ruled that any attempt to restrict the right to vote must meet strict scrutiny. The State must first demonstrate the compelling state interest in restricting the right to vote, and why there are no viable alternatives to cure the alleged harm sought to be remedied by LR 126.

Wolf Point Schools

The ACLU of Montana successfully litigated for Native American voters in Wolf Point. We are currently negotiating a voting district remedy with the Wolf Point High School District which will be in place for the spring election.

Wolf Point High School District 45A unites School Districts 3 and 45. With a 2010 Census population of only 430 people, District 3, with a majority white population, elects three members to the Wolf Point High School Board – one board member for every 143 residents. District 45, which is majority Native American, had a 2010 Census population of 4,205 and elects five members – one board member for every 841 residents.

This clearly violates the principle of one person, one vote, and creates a school board where white members are overrepresented and Native Americans are underrepresented.

The district has agreed to correct this malapportionment problem in a manner that gives all residents equal representation on the board.

Accuracy in the Criminal Justice System

ACLU of Montana and the Montana Innocence Project join forces

The Montana Innocence Project in cooperation with the ACLU of Montana will host an informative lecture with special guest Jon Gould, Professor from American University at 6:30 p.m. on February 13 at the University of Montana School of Law, Room 201.

Gould is director of the Washington Institute for Public Affairs Research at American University, where he is also a professor in the university's Department of Justice, Law and Society and at the Washington College of Law. A lawyer and social scientist, Professor Gould

combines empirical research with policy advocacy to advance government reform and administration. His work focuses on civil rights and liberties, justice policy, and legal change, helping to make academic research relevant and accessible to policymaking.

He will discuss the systemic failings in the criminal justice system and the factors that lead to accurate and erroneous convictions. His findings suggest that a greater emphasis on accuracy at every level of the criminal justice system, including police, prosecutors, defense attorneys



Jon Gould

and judges, will help prevent future mistakes.

Annual Meeting, continued from page 1

Zeke's briefs in United States Supreme Court cases cover a wide array of Fourth, Fifth, and Sixth Amendment issues. Prior to joining the ACLU, Zeke was a staff attorney at the Innocence Project and a leading national expert on eyewitness identification reform, a public defender at the Bronx Defenders, a Criminal Justice Fellow at the Drum Major Institute of Public Policy, and an investigator at the Capital Defender Office in New York. Zeke earned his J.D. at the University of Pennsylvania Law School, where he was a Public Interest Scholar, and earned his B.A. with honors at Vassar College.

In addition, both the annual meeting and "Gideon's Army" film screenings on Feb. 27 in Billings and Feb. 28 in Missoula will feature defense attorney and Jackson, Miss., Judge June Hardwick. June is one of the public defenders featured in the documentary "Gideon's Army" which follows three young public defenders challenging the assumptions that drive a criminal

justice system strained to the breaking point. They struggle against long hours, low pay and staggering caseloads. Nearly 50 years since the landmark Supreme Court ruling *Gideon vs. Wainwright* established the right to counsel, these lawyers work to make "justice for all" a reality.

June earned a Bachelor's degree in English from Spelman College, a Master's degree in International Affairs and Development from Clark Atlanta University and a Juris Doctor from Mississippi College School of Law. From 2007-2011, June worked

as a full-time Hinds County Public Defender. She entered private practice in September 2011 and was appointed a Jackson, Miss., municipal court judge in August 2013.

June, Zeke and a panel of Montana public defense experts will talk about the issue following the free screenings.

For there to be justice, our system must work from the laws passed, through the courts and into our jails and prisons. The ACLU is committed to working toward a system that provides true justice for all.

Gideon's Army

Everyone deserves the best defense.

They fight for it.

Free film screenings followed by a panel discussion with 'Gideon's Army' Defense Attorney June Hardwick, ACLU National Criminal Justice Reform Project Director Zeke Edwards and Montana public defense experts.

Billings

Thursday, Feb. 27

7 p.m.

Nova Performing Arts Center
2317 Montana Ave.

Missoula

Friday, Feb. 28

7 p.m.

Roxy Theater
718 S. Higgins Ave.



Dozens of people turned out in January to support a nondiscrimination ordinance in Butte.

Battling LGBT discrimination

by Liz Welch, LGBT Advocacy Coordinator

About 70 percent of people believe laws exist to protect gay, lesbian, transgender and bisexual people in housing, employment and access to public accommodations. Unfortunately, that is simply not the case.

There are no statewide protections for the LGBT community. That's why Missoula and Helena have city ordinances on the books prohibiting discrimination on the basis of sexual orientation and gender identity, and why we are pursuing similar ordinances in communities across Montana.

Butte is considering such an ordinance and will likely vote on it in February. Nondiscrimination efforts are also underway in Bozeman.

The work requires a concerted effort from many – LGBT people, straight allies, elected officials, faith leaders and business owners.

As we work city-by-city on nondiscrimination ordinances, we find effective allies in the business community who not only believe that nondiscrimination matters, but that legal recognition for same-sex couples does as well. Business leaders across the state are supportive of LGBT rights in the workplace not only because it is the right thing to do but because it is simply good business sense.

Montana business owners who embrace full-inclusion in their corporate culture attract a wider base of potential employees. They also retain employees longer and find their workers are happier in their positions. Employees who aren't afraid of losing their job for simply having a photo of their partner on their desk are more effective. And with the number of LGBT people and straight allies in

any given community, businesses that are fully invested in diversity are more attractive to everyone.

Business owners are choosing to publicly support diversity and equality. Many signed our statement of support for fairness. They are stepping up to the microphone at ordinance hearings across the state. Experience in Missoula and Helena shows LGBT inclusive protections do not impede business. In fact, just the opposite is true. A business climate that values diversity helps businesses.

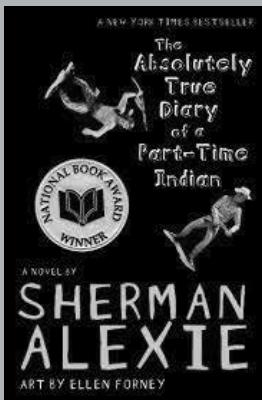
Companies contemplating relocation or expansion in Montana want reassurance that their diverse workforce will be welcome and their families will be treated fairly. The corporate culture understands that top talent looks not only at a company's internal policies, but also at the community they will call home. Fairness makes sense for everyone.

For more information about nondiscrimination ordinances and what you can do to help get them passed, visit www.FairIsFairMontana.org.

POLICY

BRIEFS

Absolutely True Diary



Students in Billings School District fought and won a battle to keep the book "The Absolutely True Diary of a Part-Time Indian" in the curriculum after a local mother filed a request to have it removed. The ACLU of Montana supported them.

This critically acclaimed book uses a real-life style of writing that does not blink at the issues our young people face – especially problems with bullying, social isolation and making difficult choices to better their life over the long-term.

Every parent has a right to decide what her child can read. But she doesn't have the right to decide what other parents' children read. Parents who don't want their child to read this book or any

other book in the Billings School District curriculum are free to request an alternative title.

Missoula Panhandling Ordinance

The ACLU of Montana worked with the Missoula City Council to amend an anti-panhandling ordinance that violates the civil liberties of people downtown.

In addition to a prohibition on solicitations for money downtown and in much of Missoula, the Missoula ordinance also prohibits sitting or lying on sidewalks within much of the city most of the day.

A federal judge ruled in January that a similar Boise ordinance prohibiting panhandling was an unconstitutional violation of the First Amendment because begging is a protected form of speech.

At press time we were hopeful that a compromise could be reached with the council.

Who watches the watchers? NSA spying on Americans must be stopped

Each week brings new revelations about government spying on ordinary Americans. But even before Edward Snowden released scores of documents showing the enormous scope of the federal surveillance on phone calls and Internet activity, the ACLU was taking on National Security Agency spying.

Patrick Toomey, a staff attorney with the ACLU National Security Project, was already in the process of filing a lawsuit against the NSA when Snowden made his first leaks. Toomey visited Montana in November and spoke about NSA warrantless surveillance, what the ACLU is doing to combat it and why Americans should be worried.

“The people who say ‘I have nothing to hide,’ are really giving the wrong answer to the wrong question,” Toomey said. “The government should not be tracking who we call without any justification or suspicion that we are doing anything wrong. We value our privacy.”

The kind of metadata the NSA collects for every phone call Americans make can reveal a lot about a person, Toomey said. Who a person calls, when they make that call and how long they talk isn’t simply a number and a time, it can show if a person has cancer, is having an affair or has financial problems. This data reveals the most personal of information. Emails collected by the NSA reveal even more.

Americans have a right to be outraged. So far federal court decisions on NSA spying have been mixed. One judge ruled the surveillance unconstitutional. Another judge ruled in an ACLU case that what the NSA is doing is lawful. The issue will likely eventually make its way to the U.S. Supreme Court.

But the best hope for change right now, Toomey said, is the American Freedom Act, which seeks to reform the

Watch a podcast with Patrick Toomey
at www.aclumontana.org



Patrick Toomey, an ACLU National Security Project staff attorney, is challenging government surveillance. He spoke out against the NSA’s collection of phone call metadata and emails at ACLU of Montana events in Helena and Bozeman.

NSA. Both Montana Sen. Jon Tester and Montana Representative Steve Daines are cosponsoring this act.

You can learn more about what the ACLU is doing to combat warrantless government surveillance and show your support for the American Freedom Act at www.aclu.org/time-rein-surveillance-state-0

Inmate phone rates

Last August, the Federal Communications Commission took an important step in curbing the sky-high rates that prisoners and their families often pay for phone calls made from one state to another by capping interstate call rates at 25 cents per minute. Steep prices keep many prisoners who are trying to be good parents and good family members from calling home very often. That’s bad for public safety—when prisoners keep in touch with their families, they are less likely to reoffend and wind up back behind bars.

Capping state-to-state phone calls was a great start, but capping rates for phone calls made within state lines is just as important since most prisoners are serving time in their home state.

Montana’s rate caps are more than triple the new rates imposed by the FCC. That’s why we have started work on a push to make Montana’s rates more reasonable.

Protecting Religious Liberty

The ACLU of Montana spoke out in December against unconstitutional Kalispell and Whitefish public school participation in a religious Christmas concert.

The decision by public school educators at three Kalispell-area high schools to participate in a Christmas concert hosted by the Mormon Church was a direct violation of the First Amendment’s “Establishment Clause,” which mandates that government not impose religion. Public schools, as an arm of government, are subject to the First Amendment. Public schools cannot legally participate in church activities.

By protecting the right to religious liberty, the ACLU seeks to protect Christmas, Yom Kippur, Ramadan and every other religious holiday for people of faith, and to ensure that no one is forced to observe the holiday of a faith they do not practice.



Jim Goetz

Rankin Awards honor Goetz and Nelson

It was a joyous night in early December when the ACLU of Montana presented the Jeannette Rankin Civil Liberties Award to Bozeman attorney Jim Goetz and retired Montana Supreme Court Justice Jim Nelson at a celebration at the Museum of the Rockies.

Both men exemplify the dedication to civil liberties and justice shown by award namesake Jeannette Rankin, Montana's first female member of Congress, and the first vice president of the National ACLU.

Jim Goetz has been a dedicated legal leader and cooperating attorney for the

ACLU of Montana since its inception. Most recently he has been cooperating attorney on our ongoing same-sex domestic partnership case, *Donaldson and Guggenheim v. Montana*.

Justice Nelson championed civil liberties – especially the rights of lesbian, gay, bisexual and transgender people – during his time on the bench. He authored the ruling in the *Gryczan* case declaring Montana's law criminalizing same-sex sexual relations unconstitutional, ruled for the rights of same-sex parents and wrote a passionate dissenting opinion in *Donaldson* that argued that same-sex couples have a right to legal protection in Montana.

Nelson was also recently bestowed the prestigious Stonewall Award from the American Bar Association. The Stonewall Award recognizes lawyers, members of the judiciary and legal academics who have affected real change and removed barriers due to sexual ori-

entation or gender identity in the legal profession. The award also recognizes those who have championed diversity for the LGBT community.

Watch a short podcast with Nelson and Goetz talking about what working for civil liberties in Montana means to them on our website, aclumontana.org.



Justice Jim Nelson

Racial Justice Project launched

One central tenet of the mission of the ACLU is racial justice. Because of the demographics in Montana, the largest racial issues we face relate to the treatment of Native Americans. With that in mind, we are reaching out to the tribal peoples in the state. Our first contact has been with the Montana-Wyoming Tribal Leaders Council. We have asked for a short time on the agenda at their next meeting, and our primary interest is to listen to their perspective and the issues they identify. We believe we will find common ground to collaborate on legal issues.

Joining us in this project are a number of groups and individuals. The Indian Law Clinic at the Univer-

sity of Montana School of Law will contribute the expertise of its director, Prof. Maylinn Smith, as well as the work of their law students. Smith has two decades of experience working with tribal governments in Montana.

Another central person to the project is Bob Stahl, law clerk for the Tribal Court of the Confederated Salish and Kootenai Tribes. Stahl brings two decades of experience in working in Indian law, and will be volunteering his time to help coordinate the project.

In addition we will be working with the Tribal Law and Policy Institute, a national nonprofit organization that focuses on the rights and culture of Indian people, and the ACLU of Wyoming, which may be interested in participating in portions of the project. A number of ACLU staff and Board members will also be involved.

After our initial meeting with the Montana-Wyoming Tribal Leaders

Council, we want to reach out to each of the tribal governments in Montana, and seek their input in the design of the project. A number of possible areas identified so far for collaborative projects with tribal governments, include:

- Trainings on the rights of Indian parents in schools
- Trainings for tribal governments on judicial independence, tribal court advocacy, governance, and the Indian Civil Rights Act
- Continued voting rights enforcement litigation, and
- The possibility of a task force to study race in the criminal justice system in Montana.

We will keep you posted on new developments as the project takes shape.



Legal Notes
Jim Taylor
Legal Director

Leland and Isobel Buck have made a passion for social justice, the ACLU, and philanthropy a family affair. Isobel, a Missoula native, and Leland moved back to town several years ago, along with their daughters, Zoe, 15, and Lucia, 11.

Leland and Izzy have been involved with social justice issues for several decades. Before returning to Montana, Leland and Isobel both taught in the Colorado Community College system. They worked at a campus that served a large number of students from Ft. Carson Army Base through wars in both Iraq and Afghanistan, and worked with many young students before and after deployments to combat. They saw first-hand how education can positively impact students who have been through the criminal justice system.

The Bucks feel passionately that criminal justice reform is an important component to social justice. The ACLU is working to end excessively

harsh crime policies that result in mass incarceration and stand in the way of a just and equal society.

Leland sees the privatization of prisons as a detriment to our democracy, remarking, “It is the responsibility of the state to make laws and enforce them. Creating a privatized economy of incarceration is wrong.”

The Buck family regards their support of the ACLU as a way to ensure their values move forward in their local community, Montana, and across the country. And teaching the value of philanthropy to their children is as important to the couple as the causes they support. Even at this young age, Zoe and Lulu have a keen interest in contributing to clothing and food drives, and organizations that help

LELAND AND ISOBEL BUCK—



—DONOR PROFILE

endangered animals.

In their spare time, the family enjoys traveling, exploring nature, reading, writing, making art and playing music.

MYTHBUSTER: “America is a Christian nation”

We hear this a lot when we work to protect the First Amendment and its prohibition against government establishment of religion.

The United States was never founded as a Christian nation. In fact, the First Amendment of the Constitution sought to protect against it being Christian, Muslim, Jewish or any other religion. The First Amendment says Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. There is no mention of Christianity or Jesus in the Constitution, and Article VI states no religious test may be required to hold public office.

Pastors were so angry that the Constitution didn’t have references to God, Jesus or Christianity in it that in the years immediately after it was ratified they preached against it.

Both Thomas Jefferson and James Madison wrote extensively about the dangers of combining government and religion. Both were adamant government have no involvement in religion.

The Treaty of Tripoli, signed by the United States with the Ottoman Empire in 1796, expressly states the U.S. is not a Christian nation. “As the Government of the United States of America is not, in any sense, founded on the Christian religion,—as it has in itself no character of enmity against the laws, religion, or tranquility, of Mussulmen (Muslims),—and as the said States never entered into any war or act of hostility against any Mahometan (Mohammedan) nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.”

In 1874, an organized group of pastors called the National Reform Association tried to have the Constitution amended to add a preamble declaring “the Lord Jesus Christ as the ruler among Nations” and that the United States was a “Christian nation.” This failed effort clearly shows conservative Christian leaders at the time did not see the U.S. as a Christian nation and wanted to make it one. Congress rejected the idea and has done so repeatedly – as recently as 1965. The same group did succeed in having “In God We Trust” printed on American currency after the Civil War.

The United States has always been – and we will work to make sure it will always be – a nation where people have the legal right to practice (or not practice) the religion of their choice, and to not have any religion forced upon them.

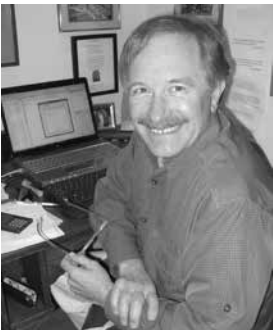
2014 ACLU of Montana Board of Directors Slate



Judy Hart The ACLU of Montana has a long and proud history of supporting and defending the individual rights and liberties of all Montanans. I have been a member of Board of Directors since 2010, and am seeking re-election. I currently serve on the Audit and Finance and Public Education Committees. As a librarian, I am interested in the issues of privacy rights and intellectual freedom, particularly as we experience growing threats to our Fourth Amendment rights. I am extremely proud of the ACLU of Montana's continued efforts to address conditions in our Montana jails and prisons, LGBT rights, and work to abolish the death penalty. It has been a privilege to work with such an accomplished, professional staff and dedicated board.



Nancy Nicholson Through participation on the board of the ACLU of Montana, we can be part of the active voice that our affiliate plays to protect the rights of all of us in the state. This coordination and our cooperation with other groups makes our voices more effective. The list of issues to be addressed is long but, as we continue to make progress, important changes are put in place and our civil liberties are protected. I have been on the board for six years and I would like to continue to serve another term. All of us working together make a difference in the quality of our local communities and our state.



Lynn Kaeding I wish to serve on the ACLU of Montana Board of Directors because I am concerned about ongoing attempts to disenfranchise certain of our citizens, the growing influence of anonymous "big" money in our political process and its negative effects on representative democracy, and the alarming growth of the national surveillance state. I believe it essential to educate the public in the foundational history and importance of our civil rights and liberties and in the need to enforce and protect those rights and liberties.



Vickie LaFromboise I was appointed to the ACLU of Montana Board in August, 2013. I am Native American from the Blackfeet Reservation. I have an Associate of Science degree in Computer Science, a Bachelor's of Science in Community Health Education and a Master's of Science in Human Services with an emphasis on Health Education and Promotion. I have been very fortunate to work with all of the reservations in Montana and numerous tribes and/or tribal organizations across the United States. I believe in equality for all regardless of age, sex, color, creed or sexual orientation or gender identity and expression. It has been a personal mission to have all disparities become equalities. I believe my personal mission fits in well with the work the ACLU does, and I look forward to serving on the board.



Tom Welsch I have lived my commitment to civil liberties for the last six years as an active member of your Board of Directors. I have been chair of the Governance & Nominations Committee for the last three years, and Secretary of the affiliate board for the last year. I am honored to serve you and those others who live and travel through Montana, and ask that you return me to the Board for a third term so that I may continue the 'fight that is never won.'



Walter C. Fleming I was born on the Crow Reservation and raised on the Northern Cheyenne Reservation, both in Montana, and am an enrolled member of the Kickapoo Tribe in Kansas. I graduated from Eastern Montana College (now MSU-Billings) and Montana State University, earning a doctorate from the University of Kansas.

I spoke at an ACLU of Montana “Fair is Fair” event several years ago with Rev. Gil Caldwell, in support of domestic partnerships for same-sex couples. My concern for fairness, however, goes back many years. As a boy in the 1950s, I watched my mother being followed around stores by clerks because “all Indians steal.” In the 1970s, I had to have my then wife, who is of Norwegian ancestry, rent houses in Billings because no one would rent to an Indian. I do not want these to be experiences for my grandchildren. I am Department Head of Native American Studies at Montana State University and have been a faculty member at MSU for nearly 35 years. I served on the Affirmative Action Advisory Board at MSU and was the treasurer of the now defunct Big Sky Indian Alliance. I served two terms on the Montana Committee for the Humanities (now Humanities Montana). I was on the Montana Cultural and Aesthetic Projects Advisory Committee for 12 years. I am a member of the Board of Directors for the Friends of Montana PBS. I hope these volunteer experiences will reflect my dedication to service and my efforts to improve the lives of others in Montana.

Who Can Vote:

It is your non-tax-deductible membership dues payable to the ACLU, not donations to the ACLU of Montana Foundation, that make you eligible to vote. Only current ACLU members may vote.

Your mailing address for this newsletter indicates on the top line if you are a current member of the ACLU and eligible to vote:

“Vote”: You are eligible to vote on one column of the ballot.

“Joint Vote”: You share a joint membership with another member in your household. Each member may vote.

Only your address: You may be a donor to the ACLU of Montana Foundation and not a member of the ACLU, or your ACLU membership may not be current. If you have recently renewed your membership, please return your ballot with a note indicating your renewal. If you would like to become a member or renew your membership, you may submit a check

for your membership with your ballot. Individual memberships are \$20 a year; joint memberships are \$35.

Voting Instructions:

You may vote for up to six candidates. You cannot cast more than one vote for any candidate. **If you share a joint membership with another member, you may each vote for up to six candidates.**

Clip the ballot from the newsletter, keeping your mailing label attached for verification of voter eligibility;

Using your own envelope and stamp, return your ballot to:

ACLU of Montana
PO Box 1317
Helena, MT 59624

Mail by February 23, 2014.

2014 ACLU of Montana Board of Directors Ballot

- | | | | | | |
|------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|
| Judy Hart | <input type="checkbox"/> | <input type="checkbox"/> | Vickie LaFromboise | <input type="checkbox"/> | <input type="checkbox"/> |
| Nancy Nicholson | <input type="checkbox"/> | <input type="checkbox"/> | Tom Welsch | <input type="checkbox"/> | <input type="checkbox"/> |
| Lynn Kaeding | <input type="checkbox"/> | <input type="checkbox"/> | Walter Fleming | <input type="checkbox"/> | <input type="checkbox"/> |
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Spring 2014

2014 ACLU of Montana Annual Meeting

Featuring ACLU National Criminal Justice Reform Project Director Zeke Edwards and “Gideon’s Army” Defense Attorney June Hardwick



Zeke Edwards

**Saturday, March 1
11 am-5 pm
Holiday Inn Downtown
Missoula**



June Hardwick

**Register and get more information at www.aclumontana.org
Registration is \$25, and includes lunch and one drink at the closing reception.**