



ACLU Defending Native American Voting Rights

by Amy Cannata, ACLU of Montana Communications Director

Native American voting rights have been a core issue for the ACLU of Montana for decades.

Most recently we filed a lawsuit in August against Wolf Point High School District 45A in U.S. District Court on behalf of seven Wolf Point residents, challenging illegal and discriminatory Wolf Point Public Schools voting districts.

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 of the district are overrepresented and Native Americans are underrepresented,” said ACLU of Montana former Legal Director Jon Ellingson. “The school district has an obligation under both state and federal law to redraw voting districts every 10 years based upon accurate population numbers. It’s long



The ACLU sued the Wolf Point School District on behalf of Native American voters who are underrepresented on the school board due to discriminatory voting districts. Pictured l-r are plaintiff Bill Whitehead, ACLU attorney Jon Ellingson, plaintiffs Lanette Clark and Ron Jackson, and ACLU of Montana Legal Director Jim Taylor.

past time for the district to do that.”

The plaintiffs in the case – Ronald Jackson, Ruth Jackson, Robert Manning, Patricia McGeshick, Lawrence Wetsit, Bill Whitehead and Lanette M. Clark – are all Native Americans.

“It’s deeply troubling that these voting districts are so clearly discriminatory against Native Americans,” said Laughlin McDonald, director emeritus of the ACLU’s National Voting Rights

Project, which is assisting with the case. “This kind of situation is precisely why the Voting Rights Act has a section that allows a court that has found a constitutional violation to require a jurisdiction like Wolf Point High School District to pre-clear any voting changes and show that they are not discriminatory. In addition to fixing the current problem immediately, we’re calling for the U.S. District Court to establish preclearance for this school district to prevent such racial discrimination in the future.”

Need for satellite offices

In another voting rights case, *Wandering Medicine v. McCulloch*, the ACLU of Montana is supporting members of three Montana tribes seek-

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Rankin Awards Honor Legal Leaders

The Jeannette Rankin Civil Liberties Awards are a tradition we started in 1991 to honor the memory of Jeannette Rankin, first vice president of the national ACLU, and acknowledge the significant contributions of individuals and organizations who demonstrate the commitment to principles embodied in ACLU's mission and vision.

The 2013 Rankin Awards will be presented in Bozeman on December 7 in a celebration at the Museum of the Rockies. This year's recipients are Bozeman attorney James H. Goetz and retired Montana Supreme Court Justice James C. Nelson.

JIM GOETZ is widely recognized as one of Montana's pre-eminent constitutional litigators. He stood up for individual rights and liberty in innumerable cases since first admitted to the bar in 1969. What many people don't know, however, is that he was one of the key players in establishing the Montana affiliate back in 1972. He helped start the statewide organization (up to that time there were chapters in Missoula, Helena and Great Falls) by serving on the board of directors as a legal advisor. He succeeded Bob Campbell as the national board representative during the time when Ira Glasser became ACLU's executive director in 1979. The ACLU has come a long way since those early days, but, not surprisingly, a lot of the issues of concern in the '70s still concern civil libertarians today.

The **HON. JUSTICE JAMES NELSON** is no stranger to those who embrace the right to privacy and who have followed the evolution of law over the past decades. During his nearly 20 years as a justice on the Montana Supreme Court, Nelson was (and, in retirement, remains) an outspoken

advocate for the rights of lesbian, gay, bisexual and transgender people. In 1997, he authored the landmark decision, *Gryczan v. State*, which declared Montana's felony sodomy statute an unconstitutional violation of the plaintiffs' rights of individual privacy which encompass intimate sexual conduct between two consenting adults of the same sex. The ruling flew in the face of the anti-gay mentality prevalent in Montana's legislature at the time and was cited seven years later by the United States Supreme Court in *Lawrence v. Texas* which struck down anti-sodomy laws nationwide.

There is a great deal more that can and will be said about the contributions of each of these fearless and persuasive individuals. Please mark December 7 on your calendars and help us celebrate the contributions of both of these outstanding civil libertarians. Register online or call Katy in our Helena office at 443-8590.

I want to also briefly acknowledge another remarkable woman who had the courage of her convictions but whose artistic contributions generally overshadow her commitment to equality and justice.

Recently I had the good fortune of attending a concert by Peter Yarrow (of Peter, Paul and Mary) at the Myrna Loy Center for the Performing Arts. Yarrow established rapport with the crowd early, both acknowledging the fine renovation of the Myrna from a 19th Century county jail to a 21st Century arts center and talking about the actress Myrna Loy's political activism. Loy, a Radersberg native, was a staunch feminist who organized opposition to the House Un-American Activities Committee in Hollywood. I since learned she was also co-chairman of the advisory council of the National Committee Against Discrimination in Housing – exposing segregation in federally funded projects – and that she challenged her MGM bosses in the 1930s saying “Why does every black person in the movies have to play a servant? How about a black person walking up the steps of a courthouse carrying a briefcase?”

Montana is fortunate to have had civil liberties leaders like Rankin and Loy in the past and to have leaders like Goetz and Nelson today.



Traveling Hopefully
Scott Crichton
Executive Director

I recently overheard a conversation in which someone from Miles City was saying that, because the ACLU had threatened to sue that city, they had to build a new jail for millions of dollars and they could not now build a school. I was shocked that our involvement with the Miles City jail was being interpreted this way and that the ACLU was being painted as the “bad guys” by some in the community.

To me, this pointed up the continued need for all of us as ACLU members and as board members to be ambassadors for the ACLU, to speak up when we hear

these misperceptions, and to put a personal face on these issues and our values. I entered into the discussion to clarify ACLU’s position and to offer a different side to the issues. I believe that the others in the conversation came away with better information and also with the knowledge that I was involved with and believed in the ACLU.

In this case, the ACLU acted as a catalyst in getting abysmal jail conditions corrected. Through a jail visit, a letter to the local officials, and some publicity about the situation, changes are now happening that had been delayed for many years.

Many communities will be faced with the need to make improvements to their facilities. It may be easier for local officials and others to try to shift the blame for this to those who do not live in the community, but this is simply a denial of responsibility.

The ACLU has a long list of issues that need to be addressed and we will keep working on them, creating change over time. Through our individual and collective efforts, we can all make a difference.



President’s Column
Nancy Nicholson
President of the Board

Be on the Board...

The ACLU is always looking for committed and passionate civil libertarians to join our Board of Directors. Our board is an active one in which leaders craft ACLU priorities, manage financial issues and act as community ambassadors. The board meets four times a year in person and is in frequent contact by phone and email.

If you are interested, learn more about the position and how to apply at www.aclumontana.org



Domestic Partnerships 2.0

The ACLU and plaintiffs – six loving, committed same-sex couples – moved forward in July with efforts to secure domestic partnership protections by filing an amended complaint in *Donaldson and Guggenheim v. State of Montana*, challenging individual Montana statutes covering financial protections for police officers, worker’s compensation benefits, end-of-life decisions, financial protections during illness and more.

In December 2012, the Montana Supreme Court denied the

ACLU’s appeal challenging every state statute excluding committed same-sex couples from protections granted to opposite-sex, married couples, but the justices said the ACLU could move forward with statute-specific efforts to secure equal treatment for same-sex couples in the state. The amended complaint does just that.

It challenges statutes that offer some of the most egregious examples of how state laws do not give equal protection to same-sex couples and violate the Montana Constitution.

Mary Leslie of Bozeman lost her home in part because she was ineligible for worker’s compensation death benefits when her former partner was killed in a workplace accident. Another plaintiff, Denise Boettcher of Laurel, was denied bereavement leave when her partner Kellie Gibson’s father died.

The ACLU of Montana will continue fighting for the rights of same-sex couples until we are victorious.

Additional information about the case can be found at www.aclumontana.org.



Plaintiffs Rich Parker and Mike Long with their son Kevin Long.



Plaintiffs M.J. Williams and Nancy Owens of Basin

Amanda Ricker: From ACLU volunteer to employee



Amanda Ricker was first introduced to the ACLU as a student at the College of Idaho in Boise. She interned for the ACLU of Idaho, taking complaints from people seeking help.

At the time she was studying constitutional law and working on a thesis about transgender rights.

But when she graduated in 2012, Ricker didn’t want to let go of her connection to the ACLU. She moved to Bozeman and began volunteer phone-banking for the ACLU of Montana’s Fair is Fair project to advance the rights of lesbian, gay, bisexual and transgender people.

So when one of our employees took a few months off, we knew immediately who could jump right in and take over intake duties and work on research involving the treatment of pregnant prisoners in Montana prisons and jails. Ricker moved to Missoula and was an instant asset.

The work was right up her alley. Ricker is now in England, studying for her master’s degree in women’s studies at Oxford University.

Jim Taylor Takes Helm of Legal Department Ninia Baehr Assumes Duties of Deputy Director

Attorney Jim Taylor joined the staff of the American Civil Liberties Union of Montana in August as the new legal director.

Taylor, a graduate of Carroll College and the University of Montana School of Law, was most recently in private practice in Missoula, but has also worked overseas for the Ministry of Agriculture in Kabul, Afghanistan, served as the training director for International Bridges to Justice in Beijing, China. He has also served as the managing attorney in the Confederated Salish and Kootenai Tribes Tribal Defenders Office.

Taylor served on the Montana Public Defender Commission from 2005-2011, and was the first chairman of the Commission. He has written numerous articles about criminal justice and international responses to terrorism. “Getting a chance to litigate important constitutional

issues is a great opportunity,” Taylor said. “I’m interested in doing litigation that matters. Working with the legal team at the ACLU of Montana gives me the chance to do just that. We have an exceptional legal team, and there is much we hope to accomplish in the defense of civil liberties.”

In another staff change, former LGBT advocacy coordinator Ninia Baehr has assumed the role of ACLU Deputy Director. She will assist Executive Director Scott Crichton with administrative and managerial duties. Baehr has worked at the ACLU for more than two years.



Jim Taylor

Voting Rights, continued from page 1 •

ing satellite offices on three reservations for late voter registration and in-person absentee voting.

Together with the National ACLU Voting Rights Project, we filed a friend of the court brief in the case in 2012.

Tribal members living on the Crow, Northern Cheyenne, and Fort Belknap Reservations are at a voting disadvantage compared to white voters in Rosebud, Blaine and Big Horn counties because the only late registration and early voting available from now until the election is at county courthouses. These courthouses are in the white population centers and are in some cases more than 100 miles round-trip from where most tribal members live, preventing them from registering and voting after the regular registration deadline, and diluting Indian voting strength.

Satellite offices on the Crow, Fort Belknap, and Northern Cheyenne reservations would enable many of these voters to exercise their right to vote.

One of the factors that must be considered under the Voting Rights Act is the history of efforts to deny minority populations the right and ability to vote. Montana and these counties have a long and troubled history of discriminating against Indian voters, including officially deny-

ing them the vote in the past and creating representational district boundaries that deliberately diluted their voting strength and spurred federal cases that resulted in Indian victories and new boundaries.

History of discrimination

The ACLU has been involved in fighting this discrimination for over 20 years.

In 1990 the Montana Districting and Apportionment Commission, with all non-Indian members, was 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.

So the ACLU 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,

“It’s deeply troubling that these voting districts are so clearly discriminatory against Native Americans.”

– Laughlin McDonald, Director Emeritus
ACLU National Voting Rights Project

at the next legislative election, Montana elected eight tribal members to the legislature – the most of any state legislature at the time.

We monitored the last redistricting process. Native American voting rights were a prime consideration of the Commission and were upheld by the new districts. That’s the good news.

The bad news as evidenced by the two current Native American voting rights lawsuits in Montana, however, shows much work remains on this issue. The ACLU of Montana will continue to fight for Indian voting rights.

Criminal Justice Litigation Yielding Results

The ACLU of Montana's work to ensure that prisoners are housed in safe and constitutional facilities and that those prisoners are treated humanely is succeeding in improving jails across the state.

Litigation and negotiations garnered equal treatment for female and juvenile prisoners in Missoula County, safe conditions for Custer County prisoners and helped ensure that all prisoners will be protected by Montana law.

In other work, the ACLU of Montana continues to challenge the state's lethal injection procedure and recently added its voice to calls for Barry Beach to be granted parole.

Missoula County Detention Center

In Missoula County, female, juvenile and male prisoners in solitary confinement should soon have access to fresh air and sunlight in an outside recreation yard thanks to a settlement agreement in our lawsuit, *Chief Goes Out v. Missoula County*.

Ever since the Missoula County Detention Center was opened in 1999, these prisoners have been denied access to the outdoors in violation of the Montana and U.S. Constitution's prohibitions against cruel and unusual punishment. To add insult to injury, male prisoners have

tween the ACLU of Montana and Custer County to make sure that prisoners there were housed in safe and constitutional conditions.

When the ACLU of Montana toured the existing Custer County Jail last year, we found unsanitary, unsafe, and unconstitutional conditions. The building did not meet fire codes, was dank and dark with mold growing on the walls, and prisoners had no place to get fresh air or sunlight.

The ACLU pointed these issues out to Custer County officials and they agreed to transport prisoners being held for more than 72 hours to a different county jail until a new jail could be built.

The new jail will be constructed in 2014 and be big enough to house 26-30 prisoners with access to fresh air and sunlight.

Who is a prisoner?

The Montana Supreme Court answered that question in September when it ruled in a case involving a Gallatin County sheriff's deputy's assault of a young woman in handcuffs and shackles.

The deputy, Thomas Madsen argued she wasn't a "prisoner" under state law because she had not been convicted of a crime. The state disagreed, saying that because she was restrained and unable to leave, she was a prisoner. The ACLU filed an amicus brief supporting the state.

We are pleased that the Montana Supreme Court ruled in the state's favor – that the young woman was a prisoner under the law which defines a prisoner as anyone restrained by law enforcement. Any other ruling would have flown in the face of the law and common sense.

Challenging lethal injection

Recent changes to Montana's lethal injection protocol by the Montana Department of Corrections continue to create an unreasonable risk of subjecting prisoners to cruel and unusual punishment and violate the separation of powers between the legislative and executive branches of government.

The ACLU of Montana submitted a new brief in District Court over the summer in our case, *Smith v. Montana Department of Corrections*, calling for the protocol to be declared unconstitutional under the U.S. and Montana Constitutions.

"This new policy, written by Department of Corrections' staff, was created without any input from medical or scientific professionals and it reflects that lack of expertise. The two-drug protocol is untested and not in use in any other state in the country. There is no clarity about the drugs to be used, and prisoners are at risk of dying in

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a recreation yard to use even though female, juvenile and solitary confinement prisoners do not. This was a clear infringement of the right to equal protection.

Without access to fresh air and sunlight, the plaintiffs in our lawsuit suffered psychological and emotional damage, including depression, anxiety, hair loss and skin problems.

The ACLU of Montana and Missoula County commissioners agreed on a settlement this fall to fix the situation by building new recreation yards and making sure that all prisoners have access to outdoor recreation.

Custer County Jail

Custer County residents in September overwhelmingly approved a bond issue to build a new jail.

That bond issue was the result of an agreement be-

agony as they slowly suffocate while still conscious,” said ACLU Staff Attorney Anna Conley.

In 2012, District Court Judge Jeffrey Sherlock ruled that the previous execution protocol was unlawful because the staff charged with carrying it out were not medically qualified to perform their duties in a way that prevented cruelty to the prisoner, and because the three-drug process differed from the statutory two-drug protocol created by the Legislature, violating separation of powers.

The new two-drug protocol makes Montana the only state in the country to utilize this unscientific and untested method of execution, and creates an unacceptable risk that the prisoner may be conscious while his body is paralyzed by the second drug, resulting in him suffocating to death. Many states are moving toward a one-drug method in which one strong anesthetic both renders the prisoner unconscious and kills him. Montana is moving in a direction of heightened risk of gratuitous and unnecessary suffering.

Another major problem with the revised protocol is that it does not specify the drugs to be used. It calls for using sodium pentothal as an ultra-fast-acting barbiturate -- a drug that is no longer produced in the U.S., is unavailable for purchase and is illegal to import. It offers Pentobarbital, an intermediate-acting barbiturate, as a substitute and allows for any other unspecified drug to be substituted. This creates unreasonable uncertainty about the drug to be used and the risks associated with that drug.

Parole for Barry Beach

In September, the ACLU of Montana submitted a letter to the Montana Board of Pardons and Parole calling for the “no parole” restriction to be removed from Barry Beach’s sentence.

Beach was briefly released from prison in 2011 when a district court judge ordered that there was enough evidence to warrant a new trial. The Montana Supreme Court reversed that decision

this year, however, and Beach is back in Montana State Prison, where he has been imprisoned for three decades.

Beach was convicted of that 1979 murder of Kimberly Ness, a murder he says he did not commit. Many have worked for decades to get Beach a new trial because they believe he is innocent.

At the time Ness was murdered, Beach was a juvenile. The ACLU of Montana has long opposed the imposition of “no parole” restrictions on long-term sentences of people who are convicted of committing crimes as juveniles. And



Custer County Detention Center

the United States Supreme Court has ruled that “life without parole” sentences for juvenile offenders unconstitutionally violate the Eighth Amendment.

Juveniles are not fully formed as people and the chance that they may reform is greater than for adults.

In Barry Beach’s case, we know how he would behave if released on parole since he was out of prison for more than one year in a community setting, where he was a model citizen. We are urging the Board of Pardons and Parole to remove Beach’s no parole restriction.

The ACLU of Montana has long opposed the imposition of “no parole” restrictions on long-term sentences of people who are convicted of committing crimes as juveniles. And the United States Supreme Court has ruled that “life without parole” sentences for juvenile offenders unconstitutionally violate the Eighth Amendment.



Straight allies, Mariah Welch and Lyndi Hampton, at the “Ice Cream, You Scream, We ALL Scream for Equality” rally to counter the Westboro Baptist Church in Bozeman.



Sara Taylor and Kaitlyn Stryjewski of Planet 106.7, Suzie Eades of Q360, Billings Mayor Tom Hanel, his wife Robin and Liz Welch at the Stride 4 Pride 5k race in Billings. Proceeds partially benefit our LGBT work in the state.

Volunteers Make All the Difference, *by Liz Welch, LGBT Advocacy Coordinator*

The ACLU of Montana is proud of its “integrated advocacy” approach to civil liberties. The LGBT team relies on our attorneys for legal expertise, our public policy director for our legislative work, our development director for donor relations that support our work, our communications director for spreading the word effectively, our advocacy coordinator for creating opportunities for public education and signature gathering, and, of course, the community at large.

Over the summer, Fair is Fair Montana was supported by enthusiastic volunteers who cumulatively worked more than 200 hours gathering signatures at events like Interchange, Pride, the Billings MontanaFair, Bozeman’s Sweet Pea Festival, Stride 4 Pride in Billings and local farmers

markets, music festivals and community gatherings. They also made phone calls, input data, participated in a 5K race, and set up and took down our table at many events. Several Billings radio personalities stepped up and utilized their voices to share Fair is Fair’s mission and helped us promote events and talk about the work we do.

Five local advocacy groups worked together during the recent Westboro Baptist Church protest to create a peaceful, alternative event supporting equality. Almost 30 volunteers also showed up for a “marshal” training on how to keep peace at the rally and on the march and 60 more poured in to make signs of support for the Bozeman LGBT community. A local rabbi, Baptist minister, several veterans and Montana State University student government representatives spoke at the rally in support of fairness. Two local businesses served 1,500 scoops of donated ice cream to those who showed up to support fairness and equality and drew the crowds away from the chaos at the local high school.

More than 2,000 new people signed the statement of support for fairness in Montana this summer – thanks in large part to our volunteers and the efforts of local community members who believe in fairness for LGBT citizens in Montana. It takes a village. There are opportunities to help Fair is Fair Montana in your own village, too.

In Billings, we are out gathering signatures of support at local events. We will be participating in the Downtown Billings Association’s Holiday Parade as the first LGBT-focused entry ever.

Look for opportunities across the state to help us gather signatures of support for nondiscrimination ordinances as well as relationship recognition. All of our volunteer opportunities are at FairisFairMontana.org under the Action Center tab – which also has 10 ways you can help further our work from the comfort of your own home. And, if you ‘like’ us on Facebook, you will see events and volunteer opportunity updates as well as relevant information to share with your friends.



Above: A proud father and friend of fairness signs the statement of support at the Downtown Billings Farmer’s Market. Right; Genoa Dillon and Jen Gross make volunteering look good as they gather signatures in their ACLU “You have the right to LOVE” t-shirts.



Digital Privacy in an Age of Government Spying

Montana has been at the forefront of state work protecting personal privacy.

We were the first state to pass a law requiring state and local law enforcement to get a search warrant before accessing cell phone and other mobile device location data. Montana was one of the first states to require search warrants for state and local police to use drones to monitor citizens.

But there is still a lot of work to do, both here in Montana and especially on the national level. In addition, there are steps you can take to protect your own privacy.

Please join us in November for one of our digital privacy events in Helena and Bozeman featuring Patrick Toomey – Staff Attorney for

the ACLU National Security Project – Montana officials and local experts on this issue.

Patrick Toomey works on issues related to electronic surveillance, national security prosecutions, whistle-blowing, and racial profiling. He is a graduate of Harvard College and Yale Law School. After graduating from law school, he served as a law clerk to the Hon. Nancy Gertner, United States District Judge for the District of Massachusetts, and to the Hon. Barrington D. Parker, United States Circuit Judge for the Second Circuit Court of Appeals.

Prior to joining the ACLU, Mr. Toomey worked on criminal defense, regulatory defense, and intellectual property matters at a law firm in New York.

ACLU Montana.org A New Look and New Features

We are excited to announce our newly redesigned website www.ACLUMontana.com, debuting in November 2013.

In addition to a more vibrant look, the website will include several new features to make it easier to navigate information about our legal, public policy and educational work,

participate in ACLU activities and share stories on Facebook and Twitter.

Of particular note is our new section “Get Involved” which serves as your portal to how to take action on important civil liberties issues, volunteer, donate, join and attend ACLU events.

Check out ACLU Montana.com today.

Digital Privacy Event

November 7-9, 2013



Patrick Toomey

Helena Thursday, November 7

*Carroll College at 7 pm
Keynote address by Patrick Toomey, Staff Attorney for the ACLU National Security Project*

Bozeman Friday, November 8

*Beall Park Recreation Center,
415 N Bozeman Ave. at 7 pm
Keynote address by Patrick Toomey*

Helena Saturday, November 9

*Short presentations and panels
Helena, Lewis and Clark Library
9 am – Noon*

- **How to protect your privacy online: practical demonstrations** – Matt Beckstrom, Lewis and Clark Library Network Services Manager
- **Privacy and Law** – Niki Zupanic, ACLU of Montana Public Policy Director
- **Can we predict crime before it happens? Should we?** – Jim Heckel, ACLU of Montana Board Member
- **Panel Discussion: Montana Legislative Solutions**

The screenshot shows the ACLU Montana website with the following elements:

- Header:** ACLU logo with the Statue of Liberty, the tagline "BECAUSE FREEDOM CAN'T PROTECT ITSELF", and "AMERICAN CIVIL LIBERTIES UNION of MONTANA".
- Navigation:** HOME, ABOUT US, ISSUES, GET INVOLVED, BLOG OF RIGHTS.
- Volunteer Section:**
 - Text: "Looking for a way to protect and advance civil liberties in Montana? We're looking for you."
 - Text: "Check out our current volunteer opportunities:"
 - Fair is Fair:** "We know that the best way to change hearts and minds on LGBT issues is through one-on-one conversations. Fair is Fair Montana is seeking volunteers willing to reach out to other Montanans to have persuasion conversations about domestic partnerships for same-sex couples. Contact Liz Welch at lizw@aclumontana.org."
 - Development:** "Do you want to get involved, but would like the flexibility and convenience of volunteering from your own home? Do you like making phone calls and talking with supporters? Do you hate asking for money? If you answered yes to all these questions, the dynamic development team needs your help. Plan on one hour of volunteer time per month. Contact Kileen at kileenm@aclumontana.org for more information."
 - Montana Abolition Coalition:** "The Montana Abolition Coalition is comprised of diverse groups and individuals who share one goal: the repeal of the Montana's death penalty and to replace it with life in prison without the possibility of parol. ABCO relies on the tireless work of volunteers across the state to educate and
- Search:** "Search this website..." with a SEARCH button.
- Action Buttons:** TAKE ACTION, JOIN THE ACLU, DONATE NOW, GET LEGAL HELP.
- FOLLOW US:** Social media icons for Facebook, Twitter, YouTube, and RSS.

Nondiscrimination Ordinances in the Works Across Montana

by Niki Zupanic, Public Policy Director



On the Policy Front
Niki Zupanic
Public Policy Director

We have seen a lot of attention paid to our two capital cities this year, with the legislative session and recent United States Supreme Court cases

this summer on the issue of marriage equality. But just as important as those statewide and national developments are the efforts that civil libertarians in Montana are making on local fronts in

our own communities.

Local Engagement

Since the end of Montana’s legislative session we have seen protestors in Ravalli County fighting to keep their local health clinic open after county commissioners wrong-headedly voted to refuse Title X funding for reproductive healthcare. And the City of Missoula responded to the continuing erosion of our privacy rights by passing the state’s first ordinance to prohibit employers from asking applicants or employees

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for their personal email or social networking passwords.

And, of course, the work continues to adopt local protections for LGBT Montanans who are facing discrimination in employ-

ment, housing, and access to public accommodations. The celebration of Edie Windsor’s victory in the ACLU case against the federal government’s unequal marriage laws carried with it the bittersweet reminder that our work for LGBT

equality in Montana is far from done.

In addition to fighting discriminatory state laws around relationship recognition, as we are doing in the *Donaldson and Guggenheim v. State of Montana* case (see story on page 4), we are still pushing to amend state laws that condone discrimination against LGBT people. As it stands now, LGBT Montanans can be denied a job, an apartment, or a meal at a restaurant just because of their sexual orientation or gender identity and expression. Our current state laws allow that to happen. Our state legislature has repeatedly refused to amend our statewide nondiscrimination law to fix that problem, and our federal laws rarely prevent those types of discrimination.

Work together at the local level

So what are equality-minded Montanans to do when state and federal laws are slow to change? They band together to become change agents in their own local communities. All across the state, Montanans are calling on their local elected of-

ficials to pass city ordinances and other policies that will prohibit discrimination. Such ordinances prevent employers, landlords, and business owners from discriminating and

provide LGBT community members with the tools needed to remedy situations in which they have been discriminated against.

Two communities, Missoula and Helena, have already passed such an

All across the state, Montanans are calling on their local elected officials to pass city ordinances and other policies that will prohibit discrimination.

ordinance, and other local governments, such as the City of Bozeman and some school districts, have changed their internal policies to be more LGBT-inclusive. Community members in other cities are working hard to make sure that their local governments are poised to follow. In Bozeman, community members and advocates have taken the initial steps in a campaign to increase protections for LGBT people. Residents of Butte are also gathering, talking to their neighbors, and looking into how they might pass an ordinance in their town.

The ACLU is here to help

From drafting language that can serve as starting point for a city ordinance, to helping communities organize and spread the message of fairness and equality, we have the resources to help you and your neighbors advocate for an LGBT-inclusive nondiscrimination ordinance or other local policy.

Is your city ready for change?

Contact us and let us help you and your community down the path to greater safety, security and dignity for LGBT Montanans.

SUE HAWTHORNE & ADEL JOHNSON

DONOR PROFILE

We're Engaged!

Susan "Sue" Hawthorne and Adel Johnson only joined the ACLU recently, but have quickly become engaged supporters on many levels.

Helena residents, Sue and Adel were enjoying the St. Patrick's Day festivities in March, 2012 in Butte when they saw a "Fair is Fair" contingent marching in the parade. They joined the marchers at the after-party and became ACLU members on the spot.

Although they had known about the ACLU for a long time, and associated the organization with the civil rights movement, they were pleasantly surprised to learn of the ACLU's leadership – both in Montana and nationwide – on equal rights for the LGBT community. Adel, a Philipsburg native, and Sue, originally from North Carolina, have been together for 17 years. Recently engaged, they plan to marry in Washington State next summer.

"The repeal of DOMA – Defense of Marriage Act – and the 'Don't Ask, Don't Tell' policy didn't just happen by themselves," says Sue. "We give money to the ACLU because they work effectively and strategically on issues we care about."



Sue Hawthorne and Adel Johnson

Sue recently retired after 28 years of service in the Montana Army National Guard with 21 years of active duty; Adel has worked as an environmental science officer with the Montana Army National Guard for the past 14 years.

Earlier this year, Sue and Adel decided to engage more in the ACLU by adding it to their wills. Adel remarked, "It was a huge

commitment, but I believe that you have to have people working on issues in order to get results. Also, it's important to leave a legacy to keep the work going long past my own lifetime."

End-of-year giving

Please keep the ACLU of Montana in mind when you consider your end-of-year giving. There are many ways to donate, including one-time, monthly, stock and planned gifts.

For more information, please call Kileen Marshall at 443-8590 or go to www.aclumontana.org.



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You Can Make the Difference. Sign up today to make modest monthly donations to provide the ACLU of Montana with consistent support to defend all of our rights. Your monthly gift can provide the support we need for all our freedoms. This authorizes ACLU of Montana Foundation to initiate debit entries to your financial institution. This authorization will be in effect for the duration selected. Contact Katy Heitstuman at 406-443-8590 with any questions.

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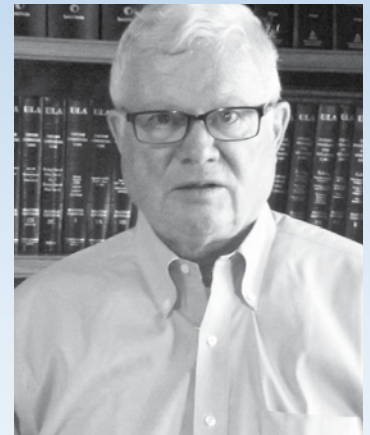
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*Honoring Bozeman Attorney Jim Goetz
Montana Supreme Court Justice James Nelson*



Hon. James Nelson

Saturday, December 7
6:30 PM
*Museum of the Rockies,
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Jim Goetz

Register and get more information at www.aclumontana.org
Registration is \$20 in Advance | \$25 at the Door