



ACLU of Montana End of Session Summary and Highlights

The ACLU of Montana won several important victories during the 64th legislative session by defeating numerous pieces of harmful legislation and successfully passing several good bills. All told, we testified on 55 bills this session. The following are some highlights, and our full end of session report can be found on our website: aclumontana.org.

The Veto Pen Cometh (for Anti-Choice Bills)

Governor Bullock vetoed all three anti-choice bills to reach his desk. In his veto messages, Governor Bullock echoed the points we shared in the Montana Reproductive Rights Coalition's veto request letter, and stated, "Montana's elected officials have no business substituting their personal beliefs for the sound medical judgment of our healthcare professionals or the deeply personal medical decisions of their constituents."

The first bill, HB 587 by Rep. Keith Regier, would have banned the use of telemedicine for medication abortions. The next bill was HB 479 by Rep. Albert Olszewski, which would have forced doctors to share widely contested and inaccurate statements about fetal pain and ask women to consent to fetal anesthesia prior to

an abortion after 20 weeks. And the final bill was SB 349 by Sen. Cary Smith, which would have required insurance companies to offer plans that exclude abortion services.

A fourth anti-choice measure, HB 425 by Rep. Matthew Monforton, would have placed a personhood constitutional amendment on the ballot, but died in the Senate Judiciary Committee.

Legislature Says "No, Thanks" to Anti-LGBT RFRA

The Montana House of Representatives narrowly defeated HB 615 by Rep. Carl Glimm, which would have placed a measure on the ballot to create a Montana "Religious Freedom Restoration Act," or "RFRA." Similar to measures introduced to tremendous backlash in other states like Indiana and Arizona, Montana's HB 615 would have opened wide the courthouse doors and allowed any person, corporation or other entity to claim an exemption from any law, policy or government regulation if the action might burden their religious expression. The bill appeared to be backlash from the great strides that LGBT Montanans have made in recent years, including marriage equality and passing four local nondiscrimination ordinances. A RFRA law could be invoked to undermine local anti-discrimination

ordinances by allowing people or businesses to deny employment, housing,

or services based on religious views. Several state agencies, local governments, business owners, faith leaders, and many others joined us in opposition to the bill in the House Judiciary Committee hearing. And while the bill did pass out of the committee, it failed to pass the House Floor on a 50-50 tie vote.

Making our Criminal Justice System More Just

Legislators committed to studying several important criminal justice issues over the interim by passing SB 224 by Sen. Cynthia Wolken, to create a commission that will comprehensively review sentencing laws and practices, and HB 627 by Rep. Randy Brodehl, to create a task force to study the Office of Public Defender. Both bills offer the opportunity to dig deeply into the root causes of overincarceration and our overburdened OPD system, respectively. The legislature declined, however, to pursue a study of the state's contractual relationship with Corrections Corporation of America and the operations of the private prison in Shelby, when the House Judiciary Committee tabled SJ 3 by Sen. Robyn Driscoll.



Niki Zupanic
Public Policy Director

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Scott Crichton, Publisher

And Now I'll Keep Traveling Hopefully

For the record, the Farewell Tour wasn't my idea. The idea for the six-city circuit came from my board. It turns out it was the right thing for the affiliate to do. It was an exciting, exhausting and overwhelming experience that allowed me to personally express my gratitude to several hundred supporters who over the years have given of their time, talents and treasure to make the Montana ACLU a viable and dynamic player on the Montana political landscape. Thanks to everyone who participated in making the celebrations happen and to all who attended. There are still plenty of folks I didn't get to see as part of this send-off, but I am grateful to them for their activism, involvement, commitment and backing over the years.

I thank Judy Hart for her leadership during this transition and the generous accolade in her President's column acknowledging some of our successes along the way. It reminds me that many people, not just on our board and staff, not just those within our membership, pulled together to work for mutual interests with common dreams.

Beyond the impact of litigation and vigilant lobbying, we put a lot of time and energy into trying to expand people's understandings of and appreciation for the ACLU's work. To commemorate the Bicentennial of the Bill of Rights, with help from the Montana Committee for the Humanities, we conducted civic discussions we called "Jefferson Meetings" in Miles City, Lewistown, Helena and Great Falls. For years, in collaboration with KEMC public radio, we did 90 minute call-in shows to generate public discussion about key elements of the Bill of Rights. We also produced for broadcast an award winning series of 50 one-minute summaries of landmark Supreme Court decisions "Your Bill

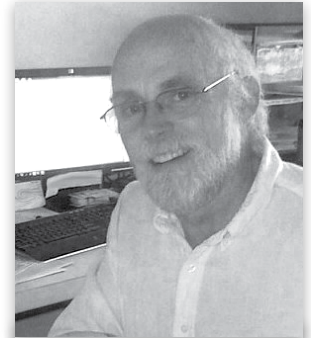
of Rights" that are still current and available on our web site. <http://aclumontana.org/50-pivotal-u-s-supreme-court-cases/>

One regret is our not managing to abolish the death penalty in Montana during my tenure. Our work with the Montana Abolition Coalition is particularly satisfying, and

I will go to my grave knowing we put together some of the most profound legislative hearings ever presented in the hallowed halls of our Capitol. It was heartbreaking to see repeal die in the House this session on a 50-50 vote. But I am proud that our work pioneering Conservatives Concerned About the Death Penalty played a significant role last month in Nebraska's legislature, garnering enough votes to override a gubernatorial veto and making them the most recent state to join the ranks of the civilized world. I am confident Montana is not far behind.

Beyond Montana, I would be remiss not to acknowledge Anthony Romero and the National ACLU. Anthony came on staff only days before 9/11/01. He and his staff, with real help from George W. Bush and Dick Cheney, doubled ACLU's membership to more than 500,000 nationwide. Shining light on the "Dark Side", exposing U.S. torture and the devastating invasions of privacy conducted as part of the War on Terror, and creating the John Adams Project to provide counsel to Guantanamo detainees are to me some of ACLU's finest moments. Last but not least, designating the Montana affiliate as part of the Strategic Affiliate Initiative was a huge reward for our efforts over the early leaner years. SAI allowed me to hire dedicated staff to handle our public policy, development, litigation, communication and field work.

I have learned so much and grown immeasurably, personally and professionally, thanks to the ACLU. It has been an honor and privilege to have been entrusted with this position. As I pass the torch into the capable hands of Caitlin Borgmann, I commit to including ACLU in my estate plan to ensure there is always a force ready to stand up against the inevitable abuse of power. I would encourage everyone who loves freedom and believes in human dignity to do the same. Thank you all.



Traveling Hopefully

Scott Crichton
Executive Director

President's Column | Judy Hart, President of the Board

Everything changes and nothing remains still (Heraclitus)

After twenty-seven years as the only full-time Executive Director the ACLU of Montana has had, Scott Crichton leaves this organization stronger than ever and poised to write the next chapter. His greatest contribution has been setting an ambitious vision and delivering on it over and over again. Since 1988, Scott has built an effective organization championing the rights of all Montanans. He assembled an excellent team of accomplished professionals who are dedicated and passionate about their work for the ACLU-MT.

Scott took a leadership role in building statewide coalitions around choice, death penalty abolitions, and safe schools for GLBT students. He generated bipartisan support for wide scale institutional change with legislation creating the nation's first Public Defender System based on American Bar Association standards; passing statewide resolutions opposing the USA Patriot Act in 2005 and READ ID in 2007. Scott's coalition work on the death penalty has attracted national attention and support. Under his direction, the ACLU of Montana is acknowledged as being ambitious, accountable, collaborative, disciplined and strategic. This is but a small

glimpse over a remarkable career of the many issues the ACLU-MT has tackled under his leadership.

Congratulations to Scott as he sets his sights on a new adventure, a well deserved retirement! We know Scott won't be far from the ACLU and will always be a resource for us. As we move through this transition the staff remains committed to their work and the board is strong and engaged. The programs - legal, education, legislative policy and issue-related organizing are well thought out and goals being met.

Knowing the transition will be a big change for the affiliate, the board and staff engaged in a facilitated succession planning discussion in June of 2014. Feedback from key stakeholders like supporters, cooperating attorneys and coalition partners was solicited. With support from ACLU National, the board secured the services of professional recruiters who have worked with other ACLU Affiliates across the country. The board appointed a search committee consisting of several long-time ACLU-MT board members (over 30 years of experience combined). Serving on the committee were Dennis Taylor, committee chair, Sheila Bonnard, Mary Hernandez, Joe Howell, Nancy Nicholson, Brigitte Tuller, and Judy Hart; four have served as president of the board, two as treasurer and two as representatives to the national board. A comprehensive regional and national search was conducted that produced a diverse and highly qualified pool of candidates. Over the course of several months, the committee dedicated their time and expertise to achieve a thoughtful and fully vetted process.

The board and staff are pleased to welcome Caitlin Borgmann as the new Executive Director of the ACLU-MT. Caitlin will be taking the reins of the organization in at the end of August. A graduate of Hellgate High School in Missoula, Caitlin has strong ties to Montana. She brings experience at the staff, local board and national board levels with the ACLU, and has strong crossover skills as a litigator, as an advocate and as an educator. She helped pioneer integrated advocacy when she worked directly with ACLU affiliates across the country. A committed team player, Caitlin's strong leadership skills and deep commitment to the work of the ACLU will lead the organization to new heights as we champion the rights of Montanans.



*Judy Hart and
her dog Courage*

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.

Through the Legacy Challenge, **simply including a gift in your future plans can qualify the ACLU to receive a 20% cash matching donation today** from our generous challenge donor.

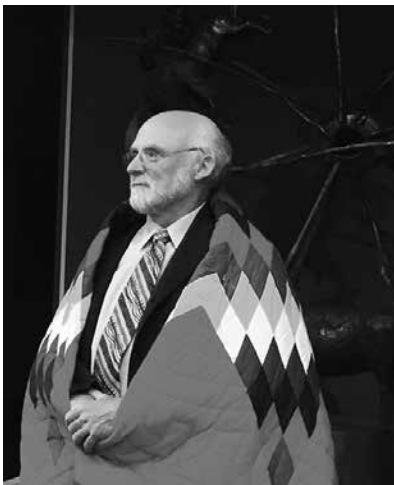
For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit www.aclu.org/legacy or call toll-free 877-867-1025.

AMERICAN CIVIL LIBERTIES UNION
LEGACY
CHALLENGE

Scott's Farewell Tour

ACLU of Montana has always prided itself on being a statewide organization that represents many constituents. Celebrating Scott Crichton's 27 years of leadership at the helm of the ACLU of Montana required that we continued that tradition of reaching across the state to include many people who wanted to mark the moment of Scott retiring and take the time for Scott to thank those who have been engaged with the ACLU's work during that time.

In Billings, Ruth and Ron Jackson and Lanette Clark, plaintiffs in the Wolf Point Voting Rights case we won last year, presented Scott with a traditional Star Quilt at the Yellowstone Art Museum. Board member Mary Hernandez catered the event that was well attended by local ACLU members and former board members.



Ron and Ruth Jackson, plaintiffs in the Wolf Point Voting rights litigation, presented Scott a star quilt to honor him and his work for others over the years.

Bozeman civil libertarians turned out the following night – as did a surprise visit from Scott's cousin Roger Smith from New Hampshire. Ninia Baehr, former ACLU-MT Deputy Director, offered Scott a Tibetan scarf, called Khata, as a symbol of the compassion of the person who receives them. Policy changes like the ones Scott has led while with the ACLU put compassion into practice in the real world.



Civil libertarians of all ages turned out to celebrate Scott's leadership for 27 years.



With Roger Smith.

In Helena we were graced with beautiful weather and well over 100 guests along with a story from long-time friend Chip Clawson of he and Scott meeting for the first time while being arrested protesting nuclear weapons at Malmstrom Air Force Base Easter weekend, 1983. Many former staff members also attended this celebration. After many years at the helm, Scott has led a team that includes many thoughtful staff that have continued the work for justice.



With doppelganger Chip Clawson in Helena.



In Helena with some former staff members.

Great Falls has a very strong constituency of devoted ACLU members. Scott picked up a guitar and strummed a few tunes while we enjoyed home-cooked jambalaya. Local legislator and former Board Chair Mary Moe celebrated Scott's accomplishments with a lively song of "Crichton Baby" to the tune of "Santa Baby" accompanied by twirling a baton.



*Senator Mary Sheehy Moe
in Great Falls.*

The Whitefish celebration couldn't have been in a lovelier setting as we enjoyed tapas prepared by local chef Andy Blanton and talked about both the past and the future of ACLU of Montana.



*Mark Connell in Whitefish was on the
1988 selection committee.*

Missoula's final celebration was a packed house at the beautiful Garden City View room at First Interstate Bank. James Scott welcomed Scott and the ACLU of Montana board, staff and members to Missoula and thanked him for a lifetime of advocating for others and protecting our civil liberties. John Fletcher, former board member, said that although this might be a great time to hand out a watch for Scott's service, the 1987 U.S. Constitution coins he presented to Scott instead were representative of the gold standard that Scott has attained in Montana.



*John Fletcher presents Scott with
1987 U.S. Constitution coins at the
final celebration in Missoula.*

One of the themes we heard repeated throughout the week from long-time supporters, coalition partners, and other friends was Scott's commitment to protecting civil liberties, life-long work towards making our American democracy better for everyone, and his willingness to work with anyone if they could find common ground on an issue. Scott has served as the ACLU of Montana's only full-time Executive Director since 1988 and while his leadership, experience, and presence will be sorely missed, we are excited for him as he starts a new journey.

If you would like to help honor Scott's tenure, consider making a tax-deductible gift to the ACLU of Montana Foundation by using the enclosed envelope or on-line at www.aclumontana.org. Your generous gift is an investment in the values we – and Scott – hold dear. Thank you in advance for your generosity to help us further our shared values.

*Farewell,
Scott!*

Session Summary, cont. from page 1

The legislature also passed a handful of bills to reform our parole system and to expand access to DNA testing. HBs 28 and 135 by Rep. Jenny Eck will require audio and video recording of Board of Pardons and Parole hearings and will provide minimum criteria for the BOPP to follow when making its decisions, respectively. HBs 43 and 516 by Rep. Margie MacDonald will allow the Governor new authority to grant clemency in non-capital cases and will expand access to DNA testing in cases where the convicted person is no longer incarcerated, respectively. The Governor has signed all four of these bills.

A bill to provide greater protections before a person is transferred from the Montana State Hospital to a Department of Corrections facility passed the legislature, but was vetoed by the Governor. SB 316 was introduced at the request of Disability Rights Montana in response to our organizations' litigation about inadequate mental health treatment at the state prison.

We helped to pass two notable bills to curb law enforcement over-reach. The first, HB 330 by Rep. Nicholas Schwaderer, limits local law enforcement's ability to receive certain military-grade equipment from federal surplus programs and to require public notice and transparency when agencies acquire such equipment. The Governor signed this bill.

The second, HB 463 by Rep. Kelly McCarthy, revises our civil asset forfeiture laws by providing greater due process protections before seized property can be forfeited. HB 463 shifts the burden of proof in asset forfeiture proceedings back to where it properly rests: upon the entity seeking to have the property forfeited. HB 463 also creates a more protective standard for forfeiture proceedings. The government must show by clear and convincing evidence that the property was used in connection with, or is the proceeds of, the

commission of a criminal offense, and the property owner must be convicted of an underlying criminal charge. Adequate notice and opportunities for innocent owners to protect their interests are provided, as well. Montana is only the second state this year to pass an asset forfeiture reform bill and we did so despite fierce opposition from law enforcement.

We were also successful in defeating SB 360 by Sen. Doug Kary, which would have allowed cities to criminalize public intoxication. That bill failed to pass the House Judiciary Committee.

Expanding Privacy Protections... Incrementally

While our most ambitious digital privacy and government surveillance bills did not survive the session, we did pass three pro-privacy bills and the legislature did approve a resolution (HJ 21 by Rep. Bryce Bennett) calling for a digital privacy interim study. HB 207 by Rep. Daniel Zolnikov updates our media shield law to clarify that data held by a third party – such as emails held on a server – is also protected. HB 343 by Rep. Bryce Bennett prohibits employers from requiring employees to turn over passwords to personal email and online social media accounts. And SB 209 by Sen. Matthew Rosendale restricts the use of data collected by vehicle event data recorders. The Governor signed all three of these bills.

Among the bills that did not pass, though, were HBs 344, 443, 444, and 445 by Rep. Daniel Zolnikov. These bills would have restricted the use of automated license plate scanners, prevented state cooperation with NSA surveillance programs, and generally required a warrant for access to electronic communications and devices, such as emails, text messages, and cell-phones and tablets.

Hooray Nebraska!

This month, Nebraska made history and its death penalty became history. On June 5th, the Nebraska legislature officially abolished capital punishment in the state. It was no easy feat as the unicameral legislature needed to vote three times on the bill to pass it, plus take multiple votes to stave off attempts at a filibuster. Then following the Nebraska governor's veto, 30 Nebraska senators had to vote to override that veto. But thanks to the strength and conviction of these legislators, Nebraska becomes the 19th state to repeal the death penalty.

This is an incredible achievement. One of the key organizations supporting repeal of Nebraska's death penalty is Nebraska Conservatives Concerned about the Death Penalty, a group of Republican legislators and conservative leaders that oppose capital punishment. With their help, Nebraska became the first "red" state in more than 40

years to end the death penalty.

Quiz time – where was the first Conservative Concerned about the Death Penalty group formed?

If you guessed "Montana" then you'd be right! Montana Conservatives Concerned About the Death Penalty was formed in 2009 by a strong group of individuals who put aside partisan politics and embraced common sense. Since then, the idea has been replicated in many other states (including Nebraska) and ultimately a National Conservatives Concerned group also formed. The success of these groups is due to many people and lots of hard work but we can take just a little bit of credit.

So Congratulations and thank you! You are a part of the victory in Nebraska. People like you kept the conversation going, recruited your friends, shared updates, gave financially to the abolition fight, followed

along in the news, sent good thoughts and prayers, and stood with Nebraskans in their quest for justice.

Montana may not have successfully ended the death penalty this year; but we are having an impact on work in other states and on the national conversation. The death penalty is on its way out and we're an integral part in helping it exit. With your continued help and support, we will soon see the day when Montana and the nation finally do away with the death penalty.



*Jennifer Kirby
Montana Abolition
Coalition*

Coming Full Circle

I'm thrilled to be taking the helm of the American Civil Liberties Union of Montana (ACLU-MT). Taking this job amounts to two kinds of homecoming for me. I'm returning to my professional home, the ACLU, and I'm coming home to Montana.

I've been an enthusiastic member of the ACLU family for decades. When I was a law student at NYU, I interned at the Reproductive Freedom Project (RFP) in the national office. This led to a fulltime position there several years later. As State Strategies Coordinator at RFP for six years, I worked with ACLU affiliates across the country, helping them to defend and advance reproductive justice in the state legislative and policy arenas. I also litigated cases for RFP. In 2004, I moved into academia with a position at CUNY Law School, which has a mission of promoting law in the service of human needs. At CUNY, I taught and wrote about constitutional law, legislative process and advocacy, and reproductive rights. I continued my affiliation with the ACLU, serving on the boards of the ACLU of New Jersey and the national ACLU. Leading the ACLU-MT is both a return to working for an organization that I love and an exciting new challenge.

But taking this job means far more to me than becoming the Executive Director of just any ACLU affiliate. For all the decades I've lived and worked in the NYC area, I've remained a proud Montanan. I grew up in Missoula and have spent nearly every summer and winter vacation of my life in the state. I'm excited by the opportunity to live and work in Montana fulltime, pursuing

my passion – fighting to protect the rights and freedoms of every member of our state.

Ever since my work with ACLU affiliates at RFP, I have followed with admiration the ACLU-MT's growth and achievements over the years. I'm grateful to present and past board members, Scott Crichton, and the rest of the ACLU-MT's talented staff for making the ACLU-MT such an effective and respected presence in the state. From groundbreaking work in voting rights, to criminal justice reform, to LGBT equality, to racial justice, and many more issues, the ACLU-MT has been there to protect the rights of all Montanans. I'm eager to learn more about the history of civil rights advocacy in Montana and the ACLU-MT's past and ongoing work. It will be an honor and a privilege to join the ACLU-MT's board and staff in the vital task of protecting civil rights and civil liberties in my home state.



*Caitlin Borgmann
Incoming Exec. Dir.
ACLU of Montana*



*ACLU of Montana Board of Directors
work with Scott Crichton and
Caitlin Borgmann to assure a smooth transition
for the new Executive Director.*

— Supporter Spotlight

MARY BEALL



Mary Beall felt so passionately about a Montana with a strong ACLU that she decided to include the ACLU in her estate plans. But at the tender age of 23, first she had to create some estate plans in order to include the ACLU in her legacy!

Born and raised in Helena, a graduate of Capital High School and Carroll College – majoring in Women and Gender Studies, Mary grew up with conservative influences. When she was first introduced to the ACLU in high school, she wasn't necessarily a fan. "I went to a town hall the ACLU and Montana Abolition Coalition put on about the death penalty. It was an issue I didn't have an opinion on, so I wanted to check out the event," shared Beall. She left "thoroughly persuaded" about wanting to abolish the death penalty, but still wasn't sure about what she thought about ACLU.

By her junior year of college, she indiscriminately applied for an internship with Niki Zupanic, ACLU-MT Public Policy Director, to help with the 2013 Legislative Session. She figured it would be an interesting experience and an education in Constitutional law, even if she didn't agree with the ACLU on everything they worked on. During her semester internship, she helped with background research on public defender funding, did several first drafts of letters to the Governor, developed educational materials for legislators on the technical capabilities of drones and how that technology could infringe on civil liberties, among other tasks. Mary remarks on that experience as "such a cool level of exposure!" She learned from an experienced team how to lobby legislators and was immersed in the public policy advocacy process for

five months. She walked away from that internship being "thoroughly sold on what the ACLU does and how it does it." Mary recognizes that it's still okay to not agree on every single stance, but left feeling an infinite respect for the quality of people who work with and for the ACLU.

Mary is headed off to Law School this fall at the University of Minnesota and she's keeping an open mind as to whether she wants to work in the public policy realm or as a litigator, though she knows she wants to be involved with criminal justice reform issues. Since graduating from college, Mary has worked as the Assistant Legal Services Developer with the Department of Public Health and Human Services, where she provides legal advocacy for senior citizens and persons with disabilities across Montana.

It is in this role of helping seniors navigate their own estate plans that Mary began thinking about her values and the legacy she wanted to leave once she's gone. Wanting to practice what she preaches, Mary describes "thinking about the rock star ACLU and how proud I am of the work and accomplishments" that inspired her to want to leave a legacy to ensure a strong ACLU. As Mary remarked, "I'm happy to help out in my own little way."

In her free time, Mary is a drummer in a band called "Detta and The 45's," which she describes as, "the best rock and roll band ever!" Check them out on www.soundcloud.com/detta-the-45s.



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Summer 2015

Hobby Lobby – One Year Later

Almost a year ago, the Supreme Court ruled that Hobby Lobby didn’t have to include birth control in its employees’ health insurance because of religious objections. Employees from Hobby Lobby and other corporations left without coverage have been paying for their employer’s religious beliefs—literally—ever since. A year later, here is a look at some other ways religious belief has been invoked to harm other people.

Michigan Governor Rick Snyder signed into law a bill that would allow taxpayer-funded adoption agencies to deny loving homes to vulnerable children.

In Michigan, a pediatrician said that she would not help a baby because that baby had two moms. Unfortunately, Michigan does not have a statewide law protecting against this type of discrimination.

Tamesha Means was rushed to a Catholic hospital in Michigan after her water broke at only 18 weeks of pregnancy. Based on the Catholic religious directives, the hospital refused to terminate the pregnancy, and sent her home twice even though Tamesha was in excruciating pain. There was virtually no chance that her pregnancy could survive, and continuing the pregnancy posed significant risks to her health.

A judge ruled that RFRA prevented investigators from requiring the Fundamentalist Church of Jesus Christ of Latter Day Saints to answer questions about the use of children as workers at a pecan ranch in Utah.

More on using religion to discriminate: <https://www.aclu.org/issues/religious-liberty/using-religion-discriminate>

