



Voting rights under fire in Montana

At the polls and in the courts, the ACLU of Montana is fighting for everyone's right to vote

Voting rights are at the core of civil liberties. Without the ability to elect leaders who represent them, Americans are at risk of losing other liberties.

But voting rights are under attack. State legislatures nationwide are passing voter suppression laws under the pretext of preventing voter fraud. These laws include stringent identification and proof of citizenship requirements and eliminate early voting and same-day voter registration.

In Montana, the ACLU is fighting against these attacks on your freedom and for the rights of Native Americans voters to have equal voting opportunities.

LR-126

Montana's election system is one of the best in the nation. In fact it was rated by the nonpartisan Pew Charitable Trusts as the 11th best election system in the nation for its accuracy, openness and honesty.

But Montana legislators (in a largely partisan effort) voted during the 2013 Session to place a referendum on the ballot to make voting harder for many Montanans.

LR-126 would eliminate Election Day voter registration. Since Election Day voter registration was passed a



Laughlin McDonald, Director Emeritus of the ACLU National Voting Project, has litigated for Native Americans' voting rights for decades, including winning several cases in Montana. He will speak on Sept. 18 at the UM School of Law, and, along with plaintiffs in the ACLU's Wolf Point voting rights case, will be presented the Jeannette Rankin Civil Liberties Award Sept. 20 in Great Falls. See story on page 4.

decade ago, 28,000 Montanans have taken this opportunity to exercise their constitutional right to vote. Some are recently returned veterans. Others are senior citizens who find it difficult to make two trips — one to register and another to vote. Others

are simply busy Montanans who are trying to make a living and need to register after a move.

All told, one in eight Americans move each year. If they forget to update their voter registration before Election Day, they can't vote unless they live in a state like Montana where they can register and vote on Election Day. We must preserve this essential ability to participate in our democracy by protecting everyone's right to vote.

The ACLU strongly opposes LR-126, which could prevent thousands of Montanans each year from law-

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American Civil Liberties Union of Montana

P.O. Box 1317

Helena, MT 59624

Phone: (406) 443-8590

Fax: (406) 457-5484

www.aclumontana.org

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Scott Crichton, Publisher

Amy Cannata, Editor

Botched executions

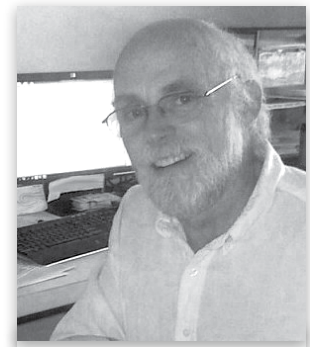
While it may seem like a recent phenomenon, botched executions are nothing new. In fact, Wisconsin, where I was born and bred, bungled a hanging in 1851. It seems the Kenosha sheriff hoisted the condemned man from the gallows rather than dropping him through the trapdoor. Instead of instantly breaking his neck, John McCaffery kicked and wriggled in the noose for 5 minutes of slow strangulation. This horrific public spectacle ensured McCaffery would be the only person to be executed by the state of Wisconsin. By 1853, their legislature passed a law banning capital punishment, which is still in effect today.

Since lethal injection was first offered up as a “more humane” way to put someone to death, things have not always gone as planned. In four executions that have gone awry this year – in Oklahoma, Ohio and Arizona – the drugs, doses and other details of the protocols differed, but the common thread is that the departments of corrections used experimental drug combinations and shielded crucial aspects of their practices in secrecy.

This experimentation is due to states’ inability to purchase the drugs they have traditionally used for executions. European physicians and death penalty opponents pressured drug manufacturers to stop allowing the drugs to be used for executions because it violates the Hippocratic Oath. Now European pharmaceutical companies refuse to export lethal injection drugs to the United States.

For more than a decade, the ACLU of Montana has been challenging lethal injection. In 2006, David Dawson was the last person executed in Montana. When his close friend and confidant, fellow death row inmate Douglas Turner took his own life, Dawson gave up his appeals and volunteered to be executed. Despite the best efforts of the ACLU and the Montana Catholic Conference, the court ruled you have a right to commit suicide in Montana. In this instance the state assisted Dawson in carrying out his wish to die.

In March 2008, we again initiated litigation challenging the lethal injection protocol with Ron Waterman and Greg Jackson of Helena as co-operating attorneys, this time on behalf of Ronald Allen Smith, and now also William J. Gollehon, Montana’s only other death row inmate. We were set to go to trial September 8, 2014.



Traveling Hopefully

Scott Crichton
Executive Director

Then, in August, the Attorney General’s counsel notified the court it was seeking a continuance because Dr. Mark Dershwitz, the state’s sole expert witness, terminated his role as an expert witness on behalf of all states and the federal government.

We are waiting to see the actual letter from Dershwitz explaining why he is withdrawing, but this is of national significance given the fact that he has served as anesthesiologist expert witness in innumerable jurisdictions across the country including Oklahoma, Ohio and Florida.

Many people who advocate for the death penalty will likely remain committed to capital punishment and will think states can avoid botched executions by turning to other methods. But the truth is that every method has the risk of going wrong, whether it be the electric chair, gas chamber, firing squad or gallows.

Hopefully some proponents will reconsider their position. The state of Ohio has issued a moratorium until 2015. The governors of Washington, Oregon and Colorado have all also weighed in against the death penalty. The ACLU will continue to work to end capital punishment until the courts or legislative bodies cease and desist with this archaic and barbaric practice.

Reproductive Lockdown: ACLU report details pregnancy issues in MT jails

The percentage of incarcerated women in Montana is twice the national average. In 2011, more than 4,000 women were booked into county jails in Montana – most non-violent offenders of reproductive age.

Yet, even as the number of pregnant prisoners in jail grows, and they are staying for longer periods of time, many jails in Montana provide inadequate medical treatment to pregnant prisoners, and continue to engage in universally rejected practices such as shackling during labor and delivery. Jails in Montana need to adopt and implement policies providing adequate medical care to pregnant prisoners in order to appropriately meet their reproductive health needs.

The ACLU of Montana recently issued the report “Reproductive Lockdown: An Examination of Montana Detention Centers and the Treatment of Pregnant Prisoners” to address this issue and provide jail and detention center administrators recommendations on how to ensure pregnant prisoners get the care they need.

The ACLU, under the leadership of former Staff Attorney Anna Conley, surveyed Montana’s jails and detention centers, inquiring about policies related to prenatal and postpartum care, labor and delivery, the use of restraints during labor and delivery and access to contraception and abortion.

Overall, we found that the majority of Montana’s

county detention policies do not adequately address the medical and reproductive health care needs of female prisoners. As the population of women in detention centers and prisons continues to increase, the need to provide constitutionally required adequate medical treatment to address prisoners’ reproductive health care needs becomes more critically important.

The ACLU issued the report to jail administrators across the state with the following recommendations:

- Adopt and implement specific and comprehensive reproductive health care policies.
- Provide routine reproductive care, including examinations and screenings.
- Provide pregnancy testing and contraceptives upon request.
- Treat substance abuse withdrawal.
- Provide access to abortion in a timely manner.
- Provide appropriate prenatal and postpartum care.
- Implement policies for timely transport for labor and delivery.
- Prohibit the use of restraints during medical appointments, procedures and labor and delivery.
- Track and report pregnancy outcomes.

The full report is posted at www.aclumontana.org.

Summer interns flex their civil liberties muscles

Jacob Coolidge

I was initially attracted to the ACLU because of its opposition of the death penalty and concern for the incarcerated. My passion for social justice has shaped my career goals and ambitions, which ultimately focus on meaningful criminal justice reform. I spent the majority of my summer internship working on the Rural Jail Initiative -- compiling legal standards for jail conditions and pouring over hundreds of responses to analyze the current conditions of Montana jails.

This work has drastically expanded my understanding of jail standards and prisoner advocacy, as well as improved my legal writing skills, which will enable me to be a more effective advocate for years to come. Before law school, I worked as an adjunct faculty member in the University of Montana Sociology Department. Once I graduate I plan to be a public defender and will always be a proud card-carrying member of the ACLU.



Lily Vigeland

During my summer at ACLU I have been working on compiling a spreadsheet of all the same-sex marriage cases going on in the United States. In that spreadsheet I summarized the arguments of the defense and what constitutional challenges were being brought and how those were being argued. On a personal level, the right of all individuals to engage in a legally recognized relationship is very important to me, and I was very pleased to have a job that aligned so perfectly with my beliefs and interests. I count myself very lucky to have landed an internship where I feel my work supports civil liberties and justice. Overall, I cannot think of a place I would rather have worked this summer, and my involvement with the ACLU will continue throughout my life.



Two September events focus on voting rights

Law School event and Jeannette Rankin Awards recognize Montana achievements

Voting rights will be the focus of two ACLU of Montana events in September – the 2014 Jeannette Rankin Civil Liberties Awards on Sept. 20 in Great Falls and a discussion with ACLU Voting Rights leader Laughlin McDonald on Sept. 18 at the University of Montana School of Law.

Rankin Awards

The plaintiffs in the ACLU’s Wolf Point voting rights case (Ronald Jackson, Ruth Jackson, Robert Manning, Patricia McGeshick, Lawrence Wetsit, Bill Whitehead and Lanette M. Clark) stood up to a school district where white voters had more representation on the school board than Native Americans because of unconstitutional voting districts that gave white voters votes greater power than those of Native Americans. Thanks to their commitment, and the ACLU victory, all voters in Wolf Point now have an equal say about who serves on the school board.

Native American Voting Rights with Laughlin McDonald

Thursday, Sept. 18, 7 p.m.
 UM School of Law, Room 101
 Free

Jeannette Rankin Civil Liberties Awards Honoring Wolf Point Voting Rights Plaintiffs and ACLU Voting Rights Attorney Laughlin McDonald

Saturday, Sept. 20, 6-8:30 p.m.
 C.M. Russell Museum
 400 13th Street North
 Great Falls
 \$10/\$20 per family advance;
 \$15/\$25 at the door.
 Register at aclumontana.org



Pictured l-r: Wolf Point plaintiff Bill Whitehead, ACLU of Montana attorney Jon Ellingson, plaintiffs Lanette Clark and Ron Jackson and ACLU of Montana Legal Director Jim Taylor.

Laughlin McDonald has spent decades working on voting rights across the nation, including three decades of work on voting rights in Montana, including the Wolf Point case.

Register at aclumontana.org.

Law School Event

In addition, McDonald will speak Thursday, Sept. 18 at the University of Montana School of Law. ACLU of Montana Executive Director Scott Crichton will interview McDonald about his work as a public interest lawyer and some of the significant changes he’s witnessed since 1972 when he became the director of the Voting Rights Project of the American Civil Liberties Union.

McDonald is no stranger to Indian Country. In Montana he led the ACLU’s voting rights litigation in *Windy Boy v. Big Horn County* in 1986, *Old Person et alia v. Brown* in 1996, and most recently *Jackson et al v. Wolf Point School District* in 2013. All of these cases significantly

advanced voting rights for Native Americans in Montana. He has litigated successfully for Native American voting rights in South Dakota as well.

McDonald, a South Carolina native, received a B.A. degree from Columbia University and an LL.B. from the University of Virginia. Prior to joining the ACLU, he was in private practice and taught at the University of North Carolina Law School. He represented minorities in numerous discrimination cases, specializing in the area of voting rights. He has argued cases before the U.S. Supreme Court, testified frequently before Congress, and written for numerous publications on civil liberties issues. He is the author of several books, including *A Voting Rights Odyssey: Black Enfranchisement in Georgia*, and *American Indians and the Fight for Equal Voting Rights*.

The event will take place Thursday, September 18 at the University of Montana Law School at 7 pm, is free of charge and open to the public.

YOU make the difference

The ACLU has been at the forefront of nearly every battle for freedom, fairness, and equality in this country for the past century. Our depth of experience on the issues is unmatched. We will use everything in our toolbox – litigation, public policy advocacy, and public education – to build on our progress, to undo any setbacks we experience, and to stop new attacks on our fundamental freedoms.

Here in Montana, we've overturned racist voting districts in Wolf Point, won female prisoners the right

to attend boot camp and recreate outside like male prisoners and challenged the state's unconstitutional ban on same-sex marriage.

Thank you for making a tax-deductible year-end gift, either by using the enclosed envelope or visiting www.aclu-montana.org.

With your support, we are able to protect civil liberties all over the country, by winning key

battles at the state and local levels, and on the national stage as well. Your support drives this work, and so

With your support, we are able to protect civil liberties all over the country, by winning key battles at the state and local levels, and on the national stage.

much more. We are deeply honored by your trust, and grateful to count you as a partner in this work.

Voting Rights *continued from page 1*

fully casting a ballot. We urge you to vote no on this measure and to encourage your friends and family to do the same.

Native American Voting Rights

Meanwhile, the ACLU continues to work to protect Native American voting rights in the state.

The ACLU of Montana is honoring a group of Montana voting rights activists and a national voting rights leader with the Jeannette Rankin Civil Liberties Award on September 20 in Great Falls (see story page 4) to mark recent victories on this important issue.

Native American voters in Wolf Point will have equitable representation on the Wolf Point High School District Board thanks to the ACLU's April victory in a case challenging illegal and discriminatory voting districts.

The Wolf Point School District Board of Trustees and the County Superintendent of Schools conceded in the case *Jackson v. Wolf Point School District* that the voting districts used to elect the trustees were malapportioned in violation of the

principle of one person, one vote, and gave residents in the predominantly white voting district more voting power than those in the majority Native American voting district.

The settlement calls for electing one board member from each of five voting districts to serve on the high school and elementary school boards and one member elected at-large district-wide to serve only on the high school board. Each of the new single-member districts will have populations that vary no more than 1.54 percent.

In addition to this case, the ACLU of Montana and the ACLU Voting Rights Project filed an amicus brief in the Native American voting rights case, *Wandering Medicine v. McCulloch*, supporting members of three Montana tribes seeking satellite offices on three reservations for late voter registration and in-person absentee voting.

Every Montanan has the right and ability to register to vote and to cast a ballot up to and through Election Day. They simply have to go to their county courthouse to do so. And that's where it gets sticky.

These county courthouses are in white population centers, not on Indian reservations. For some Native American voters, traveling to these locations is simply too expensive and takes too much time.

That's why tribal members from the Fort Belknap, Northern Cheyenne and Crow reservations sued to make Blaine, Big Horn and Rosebud counties establish satellite registration and voting sites on their reservations. The ACLU of Montana supported those efforts.

That lawsuit was settled this summer with an agreement providing for satellite registration and voting offices on the reservations two days a week and in-person registration and voting at the county seats three days a week. Secretary of State Linda McCulloch later issued a memo detailing how other counties can also open satellite registration and voting sites on other reservations to serve isolated populations.

These are positive developments, and the ACLU will continue working on voting rights until every person eligible to vote has an equal opportunity to cast a ballot.

Billings nondiscrimination ordinance

Voted down by the City Council, but not over

by Liz Welch, LGBT Advocacy Coordinator

Twenty years ago, Billings stood up and declared that discrimination and intolerance have no place in “our town.”

But in August the Billings City Council voted against a nondiscrimination ordinance (NDO) which would extend protections to gay, lesbian, bisexual and transgender people in the areas of employment, housing and public accommodations. So much for “Not in Our Town” with the six council members who voted down the ordinance. Thankfully five city council members and thousands of Billings residents stood up for the “Not in Our Town” ideals of justice and equality.

The ACLU’s organizing in Billings created many valuable partnerships and educated many people about how discrimination and bigotry keep LGBT people out of jobs and housing. Billings residents from all walks of life came together to discuss the complexities of gender identity and expression. Conversations turned into action.

A clergy task force formulated its own statement of support and presented it to the council. These faith leaders also created conversations within their own congregations, who then committed to being fully inclusive in their churches. Many congregations sat with us in city council chambers and testified about how the NDO was an extension of their faith.

Business leaders made a powerful statement by pub-



Billings rallies for an LGBT-inclusive nondiscrimination ordinance. Hundreds of people testified and wrote letters and emails to the council advocating justice and equality.

licly standing up for the NDO and displaying our “We Do Not Discriminate” signs in their windows. State legislators listened to stories of discrimination against the LGBT community and strengthened their commitment to bring those stories forward in their work for statewide protections.

Best of all, the LGBTQ community came forward and raised its voice to share personal stories of discrimination and hope for the future. They formed local support groups and created social gatherings to strengthen their community.

Billings City Council members received thousands of letters and phone calls before voting 6-5 to deny protections to the LGBT community. That vote was not the end.

Our work is not done in Billings or in other Montana communities. Until dignity, equality and fairness for all is achieved, we will continue to build bridges and educate the public to bring about positive change and pass nondiscrimination ordinances.

More than 200 cities across the country have passed these ordinances, including Missoula, Helena, Butte and Bozeman. We will be there to support similar efforts in Billings and communities across Montana, and to bring about statewide protections to protect all of Montana’s citizens.



Billings faith leaders were at the front of the nondiscrimination ordinance effort, and continue to work for fairness for all people.

Four loving couples: *The faces of ACLU's MT marriage equality lawsuit*

Angie and Tonya Rolando share a last name, but they are not married. The Great Falls couple is one of four loving, committed same-sex couples the ACLU is representing as they sue Montana in federal court for the right to get married or to have their marriages from other states legally recognized in Montana.

The ACLU of Montana filed the marriage equality case in Great Falls Federal District Court in June 2014.

"My every day is her," says Angie Rolando of her partner Tonya. "I can't think of a part of my life without her connected to it."

They aren't alone. Same-sex couples across Montana want to make a promise in front of family and friends to love and care for one another. Marriage is the way to commit to a lifetime together — the ups and downs, the good and bad.



Montana's marriage equality plaintiffs (left-right) Adel Johnson, Sue Hawthorne, Tonya Rolando, Ben Milano, Angie Rolando, Chase Weinhandl, Shauna Goubeaux (holding son, Aden) and Nicole Goubeaux.



Shauna Goubeaux, Aden Goubeaux, Gov. Steve Bullock, Ben Milano and Chase Weinhandl at Pride 2014 in Butte.

Across the country, federal courts are ruling there are no sound reasons to deny same-sex couples the freedom to marry. At the same time, public support for marriage equality is growing — both across the nation and in Big Sky Country.

"It isn't the government's place to stand in the way of someone's happiness," says ACLU of Montana Legal Director Jim Taylor. "It's the government's place to

provide equal protection under the law. Excluding same-sex couples from marriage is a clear violation of our nation's guarantee of equal protection. Every couple should have the freedom to marry and to have the legal protections to care for one another that marriage provides."

Plaintiffs in the case are Angie and Tonya Rolando of Great Falls, Shauna and Nicole Goubeaux of Billings, Ben Milano and Chase Weinhandl of Bozeman and Sue Hawthorne and Adel Johnson of Helena.

"We want Aden to grow up knowing that we are a family like any other family," says Shauna Goubeaux of her and wife Nicole's 1-year-old son. The two married in Iowa, but that marriage is not recognized in Montana. "Marriage is part of being a family. By being plaintiffs in this case we are showing him his mommies will stand up for what is right and stand up for him."

"An amazing change has taken place over the past few years as more Americans embrace the idea that same-sex couples should have the freedom to marry," says Elizabeth Gill, staff attorney with the ACLU Lesbian Gay Bisexual and Transgender Project. "Montana is joining the nationwide march toward equality for all loving and committed couples."

Crisis worsens in our Public Defender system

In 2005 Montana took the bold step of creating a public defender system that was the first in the nation to incorporate the American Bar Association’s “10 Principles of a Public Defense Delivery System.”

From the beginning, however, the system was woefully underfunded by the Montana Legislature, and the situation worsens every year, as the Legislature applies fiscal Band-Aids, and kicks the problem down the road. The most recent development in this saga focuses on the Office of the Appellate Defender, a separate unit in the system that handles criminal appeals for

indigent defendants, along with post-conviction matters. The caseload of the appellate defenders has become overwhelming, and there is no relief in sight.

In a letter dated August 6, 2014, Chief Justice Mike McGrath of the

Montana Supreme Court took the unusual step of writing to the Budget Director for Governor Steve Bullock, explaining the extreme pressures the appellate defenders are under due to a lack of resources.

“Statistics kept by our Clerk of Court show that the average number of criminal appeals filed for the last several years has been around 200. In 2013, however, 265 criminal appeals were filed,” wrote the Chief Justice. “Whereas, in the past, the Office of Appellate Defender obtained two or three extensions of time to file its opening brief in a criminal appeal, it now is not unusual for them to make a sixth or seventh request for an extension of time to file the opening brief on appeal.”

McGrath noted that appeals of termination of parental rights handled by the office increased from 38 in 2011 to 61 in 2013 (an increase of 60 percent) and as of August 5 had already reached 51 with almost five months left in 2014.

“Please consider providing an increase in the budget for this important agency in your pending budget

proposal for the next Legislature,” McGrath wrote. “I am satisfied these employees are hard-working, diligent employees, but they do not have adequate resources to conduct their duties in a timely fashion.”

In addition to overwhelming caseloads currently facing both the Office of the Appellate Defender and the Office of the Public Defender, these caseloads are exacerbating the financial picture for the system. The Office of the Public Defender alone has a shortfall in its budget for the recently concluded fiscal year of \$2.6 million, a shortfall that is being dealt with by using funds from Fiscal Year 2015.

Sometime in the near future, likely during the 2015 Legislative Session, the system will be out of money. Ten years after Montana’s innovative public defender system was created, the system is failing because of the chronic lack of funding.

It is time for the constitutional imperative of competent and adequately funded indigent defense to become a reality. The time is now for the Montana Legislature to act.



Legal Notes
Jim Taylor
Legal Director



“ON WOMEN’S ISSUES - WHAT DO YOU MEAN THAT SOME JUSTICES’ VIEWS ARE STILL EVOLVING?”

DONOR PROFILES

Laura Moran and Natascha Quimby



Laura Moran

When I was in college, my mom ran for the state legislature. While she didn't win, her experience had a tremendous impact on my perspective of the election process. I'll never forget canvassing through neighborhoods in the Bitterroot and being utterly astounded at how many homes didn't have anyone registered to vote. Any measure attempting to obstruct voting of community members is the exact opposite of what our state

needs. Especially now as a female engineer, I recognize how crucial it is for all voices to be heard—whether it's at the ballot box or in the corporate conference room.

Montana is my home. Financial support of the ACLU is an essential measure I take so that those devoting their efforts to protecting our freedoms have the tools they need to work effectively and efficiently.

Natascha Quimby

I have been working with the Queer-Straight Alliance at Montana State University for many years, first as a student and then as a community member. Our focus in the beginning was visibility, letting LGBTQ people know that there was an organization on campus where they could be themselves without repercussions. But as my time in Bozeman steered farther away from campus life and more towards being a Bozemanite I am finding my scope

being broadened to issues that affect all people, not just students.

Being a member of the ACLU has kept me informed about many issues that are important to me. And being a donor allows me to give to the cause when time restraints or commitments keep me from being more active within the organization. By donating I know that the money I give will be used to continue working towards the equality and justice that I feel is necessary in Montana.



MYTHBUSTER:

“The Hobby Lobby Supreme Court ruling gives businesses limitless license to discriminate in the name of religion.”

The U.S. Supreme Court's decision in *Burwell v. Hobby Lobby* is actually very limited, and applies only to the specific contraception issue in question. It specifically notes that anti-discrimination measures are unaffected. Those include laws that protect people on the basis of race, gender, age and sexual orientation or gender identity.

The decision does not mean that businesses can use religious beliefs to turn away customers or fire employees in conflict with state and local laws.

Justice Alito wrote: “The prin-

icipal dissent raises the possibility that discrimination in hiring, for example, on the basis of race might be cloaked as religious practice to escape legal sanction... Our decision today provides no such shield. The government has a compelling interest in providing an equal opportunity to participate in the workforce without regard to race, and prohibitions on racial discrimination are precisely tailored to achieve that critical goal.” The same can be said of laws and ordinances protecting people on the basis of sex, age, religion, sexual orientation and gender identity.

Although some business owners try to justify discrimination against the LGBT community on the basis of religion, it is well within the rights of states and local municipalities to protect LGBT people in employment, housing and public accommodations, just as the federal government, state government and local governments protect people on the basis of race, sex and age. The U.S. Supreme Court itself said in its *Windsor* decision that states have the right to legalize same-sex marriages. Likewise, states and municipalities have the right to protect LGBT people.

Tribal governance conference tackles civil liberties issues



Tribal members from across Montana gathered in Polson in July for a tribal governance conference sponsored by the Confederated Salish and Kootenai Tribal Appellate Court, the ACLU, Indian Law Section of the State Bar and the UM Indian Law Clinic. National ACLU Staff Attorney Stephen Pevar (above) spoke about the Indian Civil Rights Act and its impact on tribes. Other topics included implementing the Violence Against Women Act and traditional dispute resolution. Tony Incashola, director of the Salish Cultural Committee, (right), described how traditional dispute resolution can be beneficial to both perpetrators and victims -- especially juveniles. Video at aclumontana.org.



NATION

ACLU

Police militarization

It's 2 a.m. and suddenly masked men are crashing through your front door with a battering ram, pointing guns at you and your family and shouting orders as they tear through your home, destroying property in their search for drugs. To incapacitate you, they threw a flash grenade through your bedroom window. Your children are shrieking in terror.

It's called police militarization, and it's an epidemic across the nation, including in Montana.

The national American Civil Liberties Union issued a report in June (available at www.aclu.org), analyzing how city and state police SWAT teams have shifted from their original focus on armed standoffs, and hostage and barricade situations to deploying for routine drug searches even as these SWAT teams utilize more dangerous techniques with military grade equipment. "War Comes Home: The Excessive Militarization of American Policing" examines how this happened, and what can be done to turn back the clock on police treating our neighborhoods like war zones.

Much of the shift has to do with the abundance of post 9-11 federal grants that allowed police departments to buy armored vehicles and military-style weapons they could not otherwise

afford. Armed with this new equipment it was a simple step for the police to begin using it with ever greater frequency.

The results have been troubling and horrific. Innocent homeowners, including children, have died during SWAT raids in which the only objective was to search for drugs.

Montana has not been immune to this militarization of police. According to the Center for Investigative Reporting, between 2002 and 2011, Montana state and local law enforcement and public safety agencies were the recipients of almost \$200 million in federal homeland security grants. Much of that was used for communications equipment and operations centers, but much was also used to buy local law enforcement armored equipment.

Both Helena and Billings, for example, were given grants of about \$400,000 apiece to purchase BEAR, or Ballistic Engineered Armored Response, vehicles — essentially tanks designed to carry 15 or more armed officers. Billings was also given a \$200,000 Department of Homeland Security grant for thermal imaging devices for all its patrol cars.

More disturbing in Billings, was the police's use of SWAT military-style tactics in a 2012 raid in which a 12-year-old girl was seriously burned when an officer set

Boot Camp graduates first woman

As family and friends looked on, Montana correctional boot camp graduates thanked their instructors and family for helping them to understand how they hurt their victims and to build skills and awareness to never do it again.

But for 33-year-old LaVohn Ellsworth, there was another important thank you: “Thank you ACLU and ACLU attorneys. Without you I would not have had this opportunity. I can now look in the mirror and like the person I see.”

Ellsworth is the first woman to graduate from the Treasure State Correctional Center’s boot camp since the ACLU of Montana won a settlement allowing women to participate in the program.

Until the fall of 2013, inmates at Montana Women’s Prison were forced to participate in a degrading therapeutic living community not required of male prisoners at the Montana State Prison. Women who refused were placed in solitary confinement. Female prisoners were also denied the opportunity to participate in the state’s boot camp program, which offered training and the possibility of sentence reduction to male prisoners. The ACLU’s settlement in the case *Fish v. Acton* ended the degrading “Right Living Community” at Montana Women’s Prison and finally gave women the opportunity to attend boot camp.

Ellsworth, who has a history of drug abuse, had

already tried a treatment program unsuccessfully. Boot camp was her last chance at a correctional program that would take her out of prison and give her the skills she needed to be successful in life, so when the Montana Board of Pardons and Parole suggested it, she jumped at the chance.

Women “booters” are now fully integrated into the previously all-male companies, down to the close-cropped haircuts. They do everything with the men except shower and sleep.

The 90-120-day program modeled after military boot camp teaches prisoners how to end the cycle of victimization, become accountable and gain self-respect, humility and confidence. About 150 prisoners graduate from the program each year.

“It not only changed my life, it saved my life,” Ellsworth said of boot camp. “I can walk out a confident woman.”



off a flash grenade in the bedroom where she and her sister slept. Officers said that they had done their homework on the home prior to the raid, but did not know children lived there.

This is not an isolated incident. The ACLU report details numerous cases where children were injured or killed in SWAT raids.

It’s time for local and state law enforcement to tighten their requirements for using SWAT force and for greater oversight of their actions.

Let’s keep America the home of the free.





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Autumn 2014

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ACLU National Voting Rights Project Director Emeritus Laughlin McDonald

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Join us for an evening exploring the museum, enjoying food and drink, and honoring those whose dedication and hard work have protected Montana Voting Rights.

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