



Civil Liberties' Voice at the Capitol

by Niki Zupanic, Public Policy Director

Litigate, educate, legislate. While it may seem that the third prong of our multi-part strategy gets all of the attention once the Montana Legislature comes to the Capitol, the truth is that we apply the same integrated advocacy approach to our 2013 legislative efforts as we do to all of our other work in protecting, defending, and expanding civil liberties.

Our litigation informs our policy positions and bill requests; our education efforts prime the pump for meaningful conversations with legislators, the Governor, and the public; and our lobbying team focuses on advancing a civil liberties agenda that dovetails with our other program efforts. Over the years, the ACLU of Montana has garnered respect from legislators on both sides of the aisle for our well-researched testimony, reliable information and for standing up for civil liberties, even when that means standing alone. We do so by marshalling the collective knowledge and experience of our staff, board members and network of supporters, national staff and other affiliates. And in 2013 we are once again seeing the benefits of this integrated advocacy approach.

Among the bills that we are bring-



Women and men from across the state gathered in the Capitol Rotunda in January to mark the 40th anniversary of the historic Roe v. Wade Supreme Court decision making abortion and safe and legal. Reproductive freedom continues to be attacked by anti-choice legislators in Montana, but the ACLU is there fighting for women's right to make their own private, personal medical decisions.

ing forward this year are proposals to limit the use of solitary confinement, prohibit the use of drone surveillance, and prohibit strip searches in certain situations. Additionally, we continue to work with our coalition partners to support legislation to repeal the death penalty, amend state discrimination laws to include sexual orientation and gender identity and

to remove from the code books the criminalization of same-sex relations.

Criminal Justice Reform

Our work with the Montana Abolition Coalition to repeal the death penalty continues this session with a bill to repeal the death penalty and replace it with life without possibility of parole. We are also promoting a bill to severely restrict the use of solitary confinement for juveniles and those with mental illness or impairments.

ACLU of Montana staff has been working diligently on tracking legislation related to the Public Defender system, including budget talks and proposals to alleviate the agency's

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50TH Anniversary of Gideon

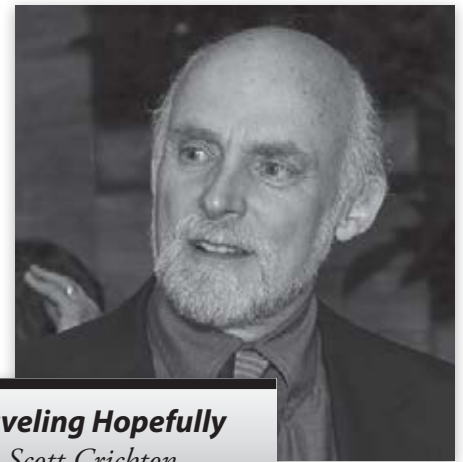
Do we have something to celebrate?

March 18 marks the 50th anniversary of the landmark Supreme Court decision *Gideon v. Wainwright*, which established that legal representation is essential to a fair trial and that indigent defendants facing the possibility of jail time are entitled to competent counsel.

Justice Hugo Black wrote in the decision, “In our adversary system of criminal justice any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.... Lawyers in criminal courts are necessities, not luxuries... Legal representation is essential to a fair trial. The right of a person charged with crime to counsel may not be deemed fundamental in some countries. But it is in ours.”

For decades in Montana, as in most states around the country, the decision in *Gideon* provided nothing more than empty hope for poor people in the criminal justice system. Then in 2002, the ACLU—acting on behalf of indigent criminal defendants from seven counties—brought the suit *White v. Martz*, alleging widespread unconstitutional deficiencies in Montana’s public defender system. A settlement was reached in which the Montana Attorney General agreed to advocate with the ACLU for a statewide indigent defense system. Legislation was passed in 2005, with unanimous support of the Senate and support from nearly 90 percent of the House, establishing such a system. On July 1, 2006 the new public defender system began under the oversight of the newly established Public Defender Commission.

I recall how excited we all were with this new Office of the Public Defender [OPD]—the first in the nation to comply with the American Bar Association’s 10 Principles for Public Defense. These



Traveling Hopefully

*Scott Crichton
Executive Director*

principles tie training, supervision and case management activities to measurable standards by which we could assure (theoretically at least) that those in need of an attorney within the criminal justice system receive adequate assistance for their legal needs, regardless of their ability to pay.

The tragedy here is that the OPD has been chronically underfunded since its inception. Hopes of defense lawyers having parity with prosecuting attorneys have not been fulfilled. The fact of the matter is that even after six years the average hourly wage for OPD lawyers is \$26.46 compared to \$35.04 for Department of Justice attorneys; OPD paralegals \$15.91 compared to \$18.62 at DOJ; and legal secretaries at OPD \$11.40 compared to \$15.20 at DOJ. Mid-January hearings before the Joint Appropriations Subcommittee on Justice revealed that these stunning disparities translate into serious and understandable retention problems in OPD and the Appellate Defender’s Office—the latter experiencing a crippling 44 percent turnover last year.

So much needs to be done to fulfill the promise of *Gideon*. We must redouble our efforts to educate legislators about how we got to where we are today, the kind of good faith commitment that was made and now seems forgotten, and why, going forward, indigent defense needs to be treated as a constitutional right, not as a discretionary line item in a time of austere budgeting.

ACLU Annual Meeting Features Immigration Expert Victoria López

Join us March 9 in Helena

Immigration is making headlines in Montana and across the nation.

Even as President Barack Obama moves forward with plans to reform the nation's immigration system, lawmakers in Montana and other states continue to advance legislation that discriminates against aspiring citizens.

Much of that litigation was inspired by Arizona, which was the first state to enact punitive, discriminatory, and economically devastating anti-immigrant law. Join the ACLU of Montana in Helena on March 9 for our annual meeting featuring Victoria López, one of Arizona's and the nation's leading advocates for immigrants' rights.

Victoria López is the Program Director at the American Civil Liberties Union of Arizona overseeing non-litigation advocacy efforts in defending civil rights and liberties in Arizona. She joined the ACLU of Arizona in 2009 to lead a documentation project on immigration detention in Arizona, and is the primary researcher and author of *In Their Own Words: Enduring Abuse in Arizona Immigration Detention Centers*, a report based on more than 100 in-person interviews with people detained in Arizona.

Victoria is a former Equal Justice Works Fellow, staff attorney and executive director of the Florence Immi-

grant and Refugee Rights Project. She holds a B.A. from the University of Illinois-Champaign and a J.D. from the University of Pennsylvania.

In addition to this keynote presentation, our annual meeting will feature updates on the 2013 Montana Legislative Session and the ACLU of Montana's legal program. We will also be looking to hear from you during our popular roundtable sessions featuring thought-provoking discussions about the death penalty, immigration, digital privacy, jails and prisons, privacy and bodily autonomy, LGBT issues and Montana's public defense system.

Registration includes lunch, and the day will wrap up with a cocktail hour. Those who register by **February 22** will receive one beer/wine ticket for the cocktail hour. Scholarships are available for students and those who are living lightly.

Liberty and Justice for All

Saturday, March 9, 2013

11 a.m. to 5 p.m.

Holiday Inn, Downtown Helena

\$25 registration

(includes buffet lunch)

Additional information and registration at www.aclumontana.org

SHENEMAN FOR THE ACLU-MT



IF YOU WANT TO ENSURE REPRODUCTIVE RIGHTS FOR THE NEXT 40 YEARS, FIGURE OUT HOW TO GET A CONGRESSMAN PREGNANT.

Help Us Reach Your Friends and Neighbors *Building Support for Same-Sex Couples One Person at a Time*

For now, loving, committed same-sex couples and their children still don't have the domestic partnership protections they need to live their own lives in Montana. But we know the tide of public opinion



is turning. The truth is most of us in Big Sky Country already support fairness. And the ACLU of Montana's public education campaign, Fair is Fair Montana, is dedicated to expanding that majority.

The ACLU is uniquely positioned to combine litigation with grassroots organizing to achieve equal protection and real respect for privacy and human dignity for all Montanans. As the only Montana based organization positioned to litigate for LGBT rights, the ACLU will continue the fight for full domestic partnerships.

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 give at least one evening this spring to reach out via telephone to other Montanans about domestic partnerships for same-sex couples. If you live near Miles City, Havre, Butte, Great Falls, Helena, Bozeman or Missoula please donate an evening of your time and put your commitment to fairness into practice. Training and phones will be provided, and conversations will be structured to be thought-provoking, constructive, and respectful. We are also activating volunteers who feel comfortable with face-to-face conversations to assist us with door-to-door canvassing in Billings. Again, training will be provided and we encourage you

to bring a friend if it makes you more at ease. Sign up for these opportunities at www.fairisfairmontana.org or email niniab@aclumontana.org.

If you are more of an "armchair activist," there are many ways you can help spread the word about our work for fairness in Montana on our website under the "Action Center" tab. These include "liking" our Facebook page (Fair is Fair Montana), following us on Twitter (@FairIsFairMT), writing letters to the editor about why fairness matters to you, and more.

We look forward to your participation in the Fair is Fair Montana work.



Focusing in on Conditions at Montana's Rural Jails

by Anna Conley, Staff Attorney & Director of the Montana Jails & Prison Project



Because of its size and the predominance of rural counties, Montana's county and tribal jails have long been underfunded and ignored. We regularly receive complaints from prisoners jailed in rural areas and on reservations. In response, we

have embarked on a rural jail initiative to highlight the conditions in these jails. Our aim is to spur county commissioners and tribal councils to pay greater attention to their jails, ensure adequate jail funding, and, where necessary, shut down unsafe jails.

Presently, our success in shutting down the Custer County Jail has cre-

ated momentum that we plan to build on. We know other counties are aware of what occurred, and that is forcing them to look at the condition of their own jails.

The Rural Jail Initiative includes sending a questionnaire about various aspects of conditions to prisoners in rural jails throughout Montana. The questionnaire, which we created with the help of the University of Montana Sociology Department, is designed to give us a snapshot of the jail so we can understand each jail's deficiencies. We will use that data to create a priority list of jails with the most dire conditions.

We are also considering touring

each rural county jail over the next 12 months. Touring a jail accomplishes a number of things: it gives us a better understanding of the state of the jail and its obvious deficiencies; it helps us create a relationship with the individual in charge of the facility—a relationship that can help facilitate our responses to prisoners' requests for assistance; and, finally, it also lets county commissioners, sheriffs, and detention supervisors know that the ACLU of Montana is monitoring the conditions of their jail.

In the past few months, we toured four rural jails in Western Montana, and we anticipate touring many more in the region in 2013.

Donaldson: A Detour, Not a Defeat

Moving Forward with Litigation to Secure Same-Sex Domestic Partnerships

by Legal Director Jon Ellingson

The movement toward the recognition of rights for those of us who are gay, lesbian, bisexual or transgender has gained powerful and increasing momentum over the last 20 years. A significant starting point for appreciating this remarkable progress is the case that our own LGBT Advocacy Coordinator Ninia Baehr brought in Hawaii in 1991.

Ninia and her partner sought the right to marry. In the first ruling of its kind, the Hawaiian Supreme Court found that there was no compelling state interest to justify the ban on same-sex marriage. It's hard to overestimate the importance of this first victory. In 1991 no country or state recognized same-sex marriage. A majority of people in the United States at the time disapproved of same-sex relationships and thought that same-sex couples should not be permitted to adopt. What a difference 20 years makes. The recent victories are too numerous to list completely, but they include voter passage of same-sex marriage in four states, the elimination of the military's "Don't ask, don't tell" policy, and President Barack Obama's support for same-sex marriage. The progress is dramatic, inexorable, and unstoppable.

But here in Montana we have hit a bump in the road in our case, *Donaldson and Guggenheim v. State of Montana*.

Recognizing that the voters had passed a prohibition against same-sex marriages in our Constitution, we decided in 2010 to challenge the constitutionality of the numerous state statutes that confer benefits and impose responsibilities on people who are "spouses," but which deny those benefits and responsibilities to similarly situated same-sex partners.

These statutes affect a wide range of events that occur in the lives of both married couples and same-sex partners, but which will have different implications depending on whether or not partners are married. For example, a same-sex partner is not automatically recognized by health care providers as someone entitled to information about a sick partner or given the right to participate in making health care decisions about that partner. Similarly that partner is denied bereavement benefits because he/she is not a "family" member. Nor does that partner have any right to the property of a deceased partner under the laws of intestate succession that apply in the absence of a will.

As many of you will remember we argued our case in April 2012 before the Montana Supreme Court. On Dec.



Plaintiffs and attorneys in the Donaldson case after the hearing before the Montana Supreme Court. All are committed to seeing the case through, including challenging specific statutes in District Court.

17, the judgment of the Court was issued. Three of the seven justices agreed with us entirely. They would have declared that all of the statutes that address the rights and responsibilities of spouses should be revised to include same-sex, committed partners. But four of the seven, while not necessarily disagreeing with us in principle, held that procedurally we had asked the court to do too much at one time. These justices denied our request for declaratory relief and remanded the case back to the District Court. But the Court also granted us the right to proceed with our case by amending our complaint to list the specific individual statutes that we wish to challenge.

Justice Nelson, in a passionate dissent labeled this decision a defeat. While I appreciate enormously Nelson's opinion and commitment to our cause, I cannot agree with this label. The decision is not a road block to our goal, but a detour. We will go back to the District Court and amend our complaint. We will demonstrate concretely, with reference to specific statutes, the injustice that is suffered by same-sex partners. And we will prove that in a society that aspires to recognize individual human dignity, that each of us has the right to direct and control the most intimate aspects of our own lives. In such a society there is no state interest that can justify statutory discrimination against gays and lesbians.

(Footnote: Please see the New York Review of Books, January 10, 2013 for an excellent summary of the recent history of this movement. I have drawn from this article in preparing this column.)

Abolition Coalition Update

The wide-eyed freshman history students at Loyola Sacred Heart High School in Missoula stared

MONTANA

ABOLITION COALITION

Ending the Death Penalty

at the man speaking to them about the cockroaches that ran through his Alabama death row cell.

The man, Gary Drinkard, sat on Alabama's death row five years for a murder he did not commit, a reality for far too many of the more than 3,000 death row inmates in the United

States.

But here in Montana, the Montana Abolition Coalition (ABCO)—whose leadership is comprised of the ACLU of Montana, the Montana Human Rights Network, the Montana Association of Churches and the Montana Catholic Conference—hopes that Montana will never again house another death row inmate.

“While there is a lot of work to be done, we are confident that the 2013 Montana Legislature will repeal the death penalty and replace it with life without parole,” said Jennifer Kirby, Coordinator of the Montana Abolition Coalition. “Over 141 people have been exonerated from death row in the United States. Capital murder cases

cost two to three times more than non-capital cases. Clearly the system is broken.”

Drinkard's presentation at Loyola was part of ABCO's fall speaking tour. The tour included Drinkard, death row exonoree Dan Bright, and murder victim family member Elizabeth Brancate. Along with presentations at schools and churches, the speakers attended the Montana Crime Prevention Conference and the Montana Association of Churches Annual Assembly. They also had one-on-one meetings with key legislators.

“The tour created a lot of energy that we carried into the 2013

Abolition Coalition, cont. on page 11



Public Policy Director Niki Zupanic is the ACLU's primary voice at the Capitol, testifying on bills ranging from criminal justice reform and privacy to immigrants' and women's rights.

overwhelming caseloads. We support proposals that will bolster the agency's conflict-of-interest office and narrow the scope of its responsibilities to focus more intensely on cases that implicate a 6th Amendment right to counsel.

Preserve and Protect Privacy Rights

Legislators have requested nine anti-choice bill drafts. Proposals include repeat measures to amend

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the Montana Constitution to prohibit abortion and to grant personhood to fertilized eggs, as well as a bill to create a new crime for causing the death of a fetus. While we are confident that the constitutional amendments will not have enough votes to pass, legislators may draft some of these other proposals as statutory initiatives, which require only a simple majority and cannot be vetoed by the Governor. The ACLU of Montana tackles each of these anti-choice bills by creating a strong, clear legislative record that can be used in potential future litigation, advocating for a Governor's veto where possible, and educating all Montanans about the dangers of eroding our privacy and bodily autonomy rights.

Legislators are also attempting to expand our state's current laws to allow employers even greater freedom to test their employees for drugs. Montana employees should not have to trade their right to privacy as a condition of employment, unless the employer has reason to believe the employee is impaired or the employee

works in a hazardous environment or has a position that would justify such an intrusion.

Fortunately, many legislators share our concerns about unreasonable warrantless searches and other government surveillance. We are working closely with sponsors on measures to restrict the use of drones for law enforcement and private surveillance and to generally prohibit the use of strip searches on people taken into custody for misdemeanors and traffic offenses. We also strongly support a measure to prohibit employers from demanding access to employees' private personal email and social media accounts.

Church and State

Bills to provide for vouchers, scholarships, or tuition tax credits for private schools have been introduced, as has a measure that would undermine the teaching of evolution and natural selection. We oppose these attempts to divert tax dollars to sectarian schools and to insert religious beliefs into science curricula. We will be joining with public school advocates to ensure

Jeannette Rankin Civil Liberties Awards

The ACLU of Montana and about 100 members and supporters gathered together at the Missoula Winery and Events Center in December to honor Barrie Sue Sugarman for organizing a demonstration at her Kalispell high school this spring to stand up for students' free speech rights and Planned Parenthood of Montana for its work protecting and promoting women's reproductive rights. Both were given our Jeannette Rankin Civil Liberties Award. Go to www.aclumontana.org to see a video of Barrie Sue's comments at the ceremony. Pictured here: Planned Parenthood of Montana CEO Stacey James, ACLU of Montana Executive Director Scott Crichton, Barrie Sue Sugarman



that public education dollars are not used for religious purposes.

Racial Justice

Feeling empowered by the passage of Legislative Referendum 121, which denies certain state service to undocumented immigrants, some legislators are again introducing measures to insert Montana into the federal immigration debate. One measure would prohibit local governments from taking any step to limit their interaction with federal officials on certain immigrant matters. A very similar bill was vetoed last session. Another bill would require employers to use the federal E-Verify database to screen all potential hires and penalize employers who do not comply, even though this database is riddled with errors and often leads to delays in hiring eligible employees. Anticipating a possible veto, the sponsor of these measures has also requested bills that would make these measures into referenda.

Voting Rights

The legislature is considering

two voting restriction bills that are nearly identical to two measures the Governor vetoed last session. One would repeal our current same-day voter registration law. The other would require almost all Montana voters to show one of three types of picture identification. This bill would significantly burden voters who are elderly, low-income, live in rural areas, have disabilities, or who are unable to produce a birth certificate or other documentation necessary for these types of identification cards without any evidence whatsoever of voter fraud in our state. We oppose these attempts to keep Montanans from the polls.

In General

Our goals for the session are to create a strong legislative record, garner positive media attention, create public education opportunities for civil liberties issues, and successfully advocate for the Governor to veto legislation that we oppose. We have our work cut out for us, but we expect that we will score some wins in stopping bad bills or securing vetoes.

Given the success of the legislative referenda on the November 2012 ballot, we can expect to see the Legislature circumvent the Governor's veto pen once again and place several more measures on the 2014 ballot. But while anti-civil libertarian legislators may have enough votes to pass several statutory referenda this session, they still lack the super-majority to place a constitutional amendment on the ballot or to override a veto.

Stay Informed

You can keep up with our work during the session on our website www.aclumontana.org. We post action alerts on crucial issues, a schedule of important hearings, an up-to-date watch list on the status of bills we are tracking, daily updates on our *Blog of Rights*, and a weekly update on the civil liberties issues we promote and defend. You can also follow us on Facebook and on Twitter (@ACLUMT).

As 2013 starts, I'm stepping off of the Board of Directors of ACLU of Montana after nine years (the last two as Board president). What better time to reflect on and share that experience? It is definitely



From the Board
Sheila Bonnard

a bittersweet time. Being on the Board has been so rewarding, it is hard to imagine not being involved at that level.

However, looking back at the accomplishments of the organization since 2004, I know that the organization is strong and that its important work will continue going forward. ACLU of Montana has certainly changed over those nine years—and has accomplished so much. Some highlights:

Staff to do the job:

When I began my first term, Scott and an administrative assistant made up the Helena office and we had a half-time attorney – it's hard to believe all the great work they did with so few. Nine years later, there is a Missoula office in addition to the one in Helena and a strategically hired staff. We have amazing folks working on communications, public policy and development and a dynamic legal department with two full-time lawyers – certainly not flush but more human resources means that much more important work can be taken on.

“Looking back at the accomplishments of the organization since 2004, I know that the organization is strong and that its important work will continue going forward. ACLU of Montana has certainly changed over those nine years and has accomplished so much.”

— **Sheila Bonnard** —

An ambitious Board

In 2004, the Board was made up of passionate, committed members – as it is today. However, the Board has made great strides to be one that can support a larger organization. Board members no longer just attend four in-person meetings a year. They are members of committees that continue the work between meetings, conduct regular strategic planning and are unafraid to set ambitious development goals to make sure the plan is implemented.

Recognition from National

The great work of the Montana affiliate has not gone

unnoticed by the national organization. Montana was chosen as a strategic affiliate because it delivers. The increased support from national, especially the financial investment to allow growth, has been key. More importantly, knowing that this financial support must lead to self-sufficiency has made the ACLU of Montana more disciplined and accountable.

Successes:

There have been many in nine years but some resonate with me more than others. Again, here are some highlights:

- Seeing the Legislature pass legislation to create a model public defender system was gratifying, even though it is taking constant vigilance to ensure the implementation.
- The Kulstad case was an important victory for equal rights, upholding a Montana law that recognizes there are important child-parent relationships other than biological ones. When a same-sex couple parted after 10 years, one partner wanted to keep the children from the other; the Montana Supreme Court ruling said that she must be treated as a mother with rights to be with those children.
- One of the most horrifying cases came to light through our Montana Prison Project when inmates contacted the ACLU concerned about the treatment of a teenager in the adult prison. Raistlen Katka was being subjected to a regimen of “administrative isolation”—i.e. solitary confinement—and “behavior modification.” As a result, Raistlen attempted suicide multiple times. The ACLU of Montana brought the case to light and was eventually able to secure his release from solitary confinement and access to mental health care.
- Another win for equal rights during this time was the Snetsinger case, in which the Montana Supreme Court ruled that lesbian and gay employees of the University of Montana must have the option—like other employees – to purchase health insurance benefits for their partners.
- The ACLU has also been at the forefront in the fight against provisions in the PATRIOT Act which significantly increased the ability of law enforcement to gather information about both citizens and non-

Reducing Solitary Confinement in Montana's Prisons and Jails



Eldon Vail discusses his 12 recommendations to reduce the use of solitary confinement.

The ACLU of Montana first entered the fight to reduce solitary confinement when it took on the case of a teenage prisoner held in solitary confinement at Montana State Prison from the age of 16. By age 17, Raistlen Katka had attempted suicide multiple times as the trauma of being held in total isolation tortured him and exacerbated his mental illness. Thankfully, the ACLU won Raistlen's release from solitary confinement and secured a settlement with Montana State Prison limiting the use of solitary confinement on juvenile and mentally ill prisoners. But the experience showed there was more work to do to reduce this cruel, overused and ineffective practice.

In November 2012 we hosted a workshop at the UM–School of Law featuring former Washington State Department of Corrections Secretary Eldon Vail, a 30-year veteran of the world of corrections and an expert on reducing the use of solitary confinement. Under

Vail's supervision, Washington began to apply greater scrutiny to the types of prisoners placed in solitary, putting those who were mentally ill or needed protection from other prisoners in settings better suited to their situations. The state also created new, successful programs to help prisoners in solitary confinement learn behavior and coping skills to aid their transition into less restrictive settings.

More than 100 people attended Vail's presentation, where he discussed his 12 recommendations to reduce the use of solitary.

The ACLU is continuing to pursue the reduction of solitary confinement by supporting legislation in this year's legislative session and continuing public education efforts. Learn more, get more details about Vail's recommendations, and find a link to video of his presentation under the Issues tab at www.aclumontana.org.

Twelve Ways to Reduce the Use of Solitary Confinement

1. It starts with leadership.
2. Know who is in solitary and decide if they really need to be.
3. The decision to assign someone to solitary confinement must have outside review.
4. Observation and assessments for those placed in solitary must be quick, thorough, and ongoing.
5. To the degree that deterrence has an effect, individuals still need to believe they have something else to lose.
6. Conditions of confinement for those in solitary should not be the same for everyone.
7. Staff in these units must be the most professional the agency has to offer.
8. The door into solitary confinement is wide; the door out is very narrow. Eliminate mandatory minimums—the “be good for so long and we will let you out notion” simply doesn't work.
9. There must be programs (mental health treatment, anger management, conflict resolution and, the best investment for the dollar, cognitive behavioral therapy) offered in heavy doses.
10. Level systems need to parallel what we have learned about reentry, because if you think about it—that is really what it is.
11. Once you have communicated and established the kind of unit you want, you must involve line custody staff in delivering services and helping to evaluate and understand the individuals in the unit and how they are doing.
12. Be patient. If you want your effort to reform solitary confinement to be successful, you must understand how critical institution and unit culture is to achieve meaningful change.

DONOR PROFILE — **HELIA JAZAYERI**



Helia is elated to have crossed the “t’s” and dotted the “i’s” on her first will. As a younger supporter—still in her 30s—Helia is proud to share she has planned for a legacy gift to the ACLU to continue the critical work of protecting and advancing civil liberties long after her own lifetime. “The biggest factor that led to my decision is that where my heart is and what’s in my bank account don’t match now. Making this gift is my way of ensuring that the ACLU will remain as a prominent fixture, multiple generations from now.”

Getting to Know Helia

As an Iranian-American, Helia is particularly sensitive to the need to secure rights for all people. Having fled an oppressed society, she is cognizant of the fragility of rights in the absence of a healthy democracy. Born in Iran, Helia and her

family immigrated to California during the Iran-Iraq war. Her interest and commitment to civil liberties is rooted in her family’s experience as immigrants, her routine travels back to Iran as an adult, and her human rights volunteer work in Latin America prior to law school.

Currently an associate at Kalkstein, Johnson & Dye in Missoula, Helia attended law school at the University of Montana and worked as a legal intern at the ACLU during law school. Helia has served on the ACLU of Montana’s Board for two years now, and recently became Montana’s representative to the ACLU National Board.

In her free time, Helia enjoys exploring small-town Montana, hiking, snowshoeing and travelling with her husband, Alex.

Why a will? Why the ACLU? Why now?

Recently getting married was one factor in deciding that now was the right time to craft her first will. After all, estate planning is not something you think of every day. With the Legacy Challenge—which offers a 10 percent match on planned gifts—Helia said, “It was a no brainer to include the ACLU. This opportunity opens the door to make a significant contribution through a different way of looking at philanthropy.”

The Legacy Challenge

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

For more information, please contact Kileen Marshall, Development Director, at kileenm@aclumontana.org or call toll-free (877) 867-1025.

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citizens without the protections Americans have come to expect—think warrantless wiretapping, for one. The ACLU was a leader in the effort that resulted in both houses of the Montana Legislature passing a resolution urging Congress to let the act expire. Unfortunately, the Act is still with us.

- While we didn’t win the recent Donaldson case outright, the Montana Supreme Court did allow the ACLU to continue to pursue legal solutions to more specific issues facing same-sex couples.
- Finally, I think a recent event speaks volumes about the current strength of the ACLU. When it was found that conditions in the Custer County jail were so unhealthy that prisoners were at risk, just a letter from the ACLU was needed for its immediate closure.

As you can see, I am justly proud of the organization, its amazing record of accomplishments, and the work done by each and every one on the staff and Board. I am also proud to be a member – without our members, this work would not be possible.

Unfortunately, there continue to be assaults on our civil liberties on so many fronts. While it is comforting to know that the ACLU of Montana has our backs, it can serve its role in protecting the Constitution only if WE stay committed. Though no longer on the Board, I will continue to support ACLU and hope you will, too. Your financial support is greatly appreciated but please consider checking out the volunteer opportunities on the ACLU web site and signing up for e-alerts so that you can contact legislators and/or write letters to the editor. And, if you want a truly challenging but fulfilling experience, consider Board service.

Helena Nondiscrimination Ordinance Protects LGBT People

The Helena City Commission unanimously passed an LGBT-inclusive nondiscrimination ordinance on December 17, protecting lesbian, gay, bisexual and transgender people in housing employment and public accommodations.

The ACLU of Montana teamed up with the Montana Human Rights Network to work toward the ordinance’s passage, with the ACLU providing assistance in drafting ordinance language.

While we are pleased that the ordinance passed, the bad news is that an amendment to bar “pre-op” transgender people from locker rooms was introduced by a commission member and also passed. In such instances, transgender people can still be forced to use the locker room of the sex matching their “anatomical” gender.

We opposed this amendment for a number of reasons:

- It seeks to solve a problem that doesn’t exist. There is no evidence that ensuring transgender people can use locker rooms conforming to their gender identity results in increased acts of voyeurism or violence.
- Prohibiting people from using facilities designated for the gender they identify with causes severe psychological harm – the same kind of harm that opponents of the ordinance and proponents of this amendment would feel if they were forced to use the locker room of the opposite sex.
- The discomfort of others is not a reason to deny people their civil rights. We wouldn’t

tell a breast cancer survivor she can’t use the women’s locker room because of her mastectomy scars. Part of being a compassionate human being is respecting the rights of others even when it makes us uncomfortable.

That said, the nondiscrimination ordinance will go far to help people get the dignity and respect we all want and need to have the security to support their families.

Abolition Coalition, continued from page 6

Legislature,” Kirby said. “This is a nonpartisan issue. Be it moral, practical, or political reasoning, the repeal of the death penalty resonates with people from across the political spectrum. In particular, we have gained significant support from conservatives in Montana who understand the need to end another failed, expensive government program.”

In 2011 the repeal bill passed the Senate but did not make it out of committee in the House. But having made inroads with new representatives, ABCO expects the bill to clear both houses and be signed by the governor this session. To ensure this the ACLU of Montana, coupled with its coalition partners, will be mobilizing grassroots support, speaking with key legislators, and engaging Governor Steve Bullock.

“It’s important that Montanans take action today. Write and call your representatives and senators in Helena to tell them that their constituents support the end of capital punishment,” says Kirby.

Check www.mtabolitionco.com or email cascade@mtabolitionco.org and to learn about other ways you can work to make death penalty abolition a reality in 2013.



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Spring 2013

Liberty and Justice For All

ACLU of Montana 2013 Annual Meeting

Saturday, March 9

11 AM to 5 PM

Holiday Inn, Downtown Helena

\$25 Registration

(includes Buffet Lunch)

- Keynote by Immigration Expert Victoria López from the ACLU of Arizona
- Civil Liberties in the 2013 Montana Legislature
- ACLU of Montana Legal Update
- Roundtable Sessions on Hot Topics



Victoria López

Additional information and registration at www.aclumontana.org