

# ACLU Montana

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A VICTORY FOR TRANSGENDER RIGHTS  
YOUTH LEADERSHIP ON FORT PECK



SPRING/SUMMER 2019

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## UPCOMING EVENTS

SAVE THE DATE!

Jeannette Rankin Civil Liberties Awards - JUNE 8  
Annual Membership Meeting - JUNE 12  
Broad Comedy Benefit - SEPTEMBER 25, 27 and 28

# A Message from Caitlin

## Our Executive Director



Dear ACLU of Montana supporter,

Spring in Montana is a wonderful time of year. As trees bud and flowers bloom after a long and cold winter, I feel a renewed energy for the work we are doing at the ACLU of Montana.

This winter, we had a strong presence at the Capitol. We fought tirelessly against anti-immigrant and anti-abortion measures and bills that would have funneled more people into the criminal justice system. And – in coalition with others – we advocated for proposals that move Montana away from criminalizing poverty, help those on probation and parole, and make our communities safer. We also joined the Indigenous Justice Coalition and many Indigenous groups and leaders in support of a number of bills, including the creation of Indigenous Peoples Day and Hanna’s Act. As the legislative session winds down, it looks like we’re on track for some significant civil liberties and social justice wins. These victories would not be possible without your voice. You held your legislators accountable. Thank you!

It’s also in the Spring that I have the privilege of announcing our Jeannette Rankin Civil Liberties Awardees. We work with so many influential and inspiring people throughout the state, and the decision about who receives this award is always a tough one. This year, we chose three courageous Montanans who fought for their rights, stood up to overreaching law enforcement, and spoke up about their experience in an effort to make life better for others. Make sure you check out their stories on pages 10 and 16. If you can join us, it would be great to see you at our annual Jeannette Rankin Civil Liberties Award Reception. This year it’s being held on June 8 in Great Falls.

Our team has grown over the last year, and I’m proud to work with such a talented and dedicated group of people. We have exciting work on the horizon! If you don’t already follow us on social media or get our emails, I recommend it - it’s one of the best ways to stay in touch.

Thanks for being part of the ACLU of Montana. We appreciate you.

A handwritten signature in black ink, appearing to read 'CAB', followed by a long, sweeping horizontal line that extends to the right.

Caitlin Borgmann  
Executive Director



# A Step Forward for Transgender Montanans

By Elizabeth Ehret  
*Legal Fellow*

Eleanor Maloney was an attorney for Yellowstone County where she defended child victims of abuse and neglect. It was hard work, but she loved her job. When she came out to her employer as a transgender woman in 2017, Eleanor hoped and expected that Yellowstone County would support her transition. After all, she had devoted countless hours in service, and the county trusted her to do crucial work on its behalf. Yet, Yellowstone County refused to provide insurance coverage for necessary, often life-saving, gender-affirming care.

Eleanor spent months advocating for herself, trying to convince the county to change its policy and provide her with the care she needed. The county refused, and even denied payments for her therapy visits because they were related to her being transgender.

Faced with blatant and ongoing discrimination, Eleanor ultimately left her job with

the county. But her fight was just beginning. In September 2018, the ACLU of Montana filed a complaint on Eleanor's behalf against Yellowstone County, alleging it violated the Montana Human Rights Act's prohibition against sex discrimination. In March, the Montana Human Rights Bureau sided with Eleanor and found reasonable cause to believe she was discriminated against because she is transgender.

Courts across the country have ruled that discriminating against someone because they do not conform to sex stereotypes is illegal. Gender identity discrimination is—in fact—the very definition of sex discrimination. Aside from being illegal, discriminating against people because of their gender identity is just plain wrong. It denies the very identity of transgender, nonbinary, and two-spirit individuals and is harmful and demoralizing. It forces people to make a choice between living as their true, authentic self or having access to basic necessities such as a job, housing, or public spaces.

We are proud to stand with Eleanor and ensure that the message in Montana is clear: discrimination against transgender people is illegal, wrong, and will not be tolerated.

Watch Eleanor's story at:  
<https://youtu.be/wIaBWlhW74>



*Eleanor Maloney*

# An Overview of the 2019 Legislative Session

By SK Rossi  
*Advocacy and Policy Director*  
&  
Zuri Moreno  
*Policy Associate*



Throughout the legislative session, we've been busy in Helena standing up for the civil rights and liberties of all Montanans! Thanks to your support, the last few months we've tirelessly walked the halls of the Capitol, testified in front of committees, worked in coalition with other organizations, and increased public awareness about issues that are important to us.

As session comes to a close, we are proud that we stopped a number of bills that were not aligned with our values and would have deeply harmed many Montanans. We secured crucial support from both sides of the aisle and gained momentum to continue pushing Montana forward on our priority issues.

Here are just a few tidbits from the session.

In a major victory this session, Montana will soon end the practice of suspending driver's licenses based on court debt. HB 217 was a priority for us this session, and as this newsletter



*SK Rossi at a Press Conference to end debt-based driver's license suspensions - Photo by Tim Pierce/UM Legislative News Service*

goes to print, the bill is on its way to the Governor. We expect that he will sign. The current law is not only counterproductive, but also penalizes the poor by taking away somebody's license as a punishment for unpaid fines and fees. Most Montanans need to drive to get to work or take care of their family. For some, driving on a suspended license leads to jail time. We worked closely with Rep. Casey Knudsen (R-Malta) on this bill, and formed partnerships with a number of conservative groups including Americans for Prosperity and Americans for Tax Reform. These unlikely partnerships were vital to gaining support for this bill. Thank you for taking actions on this bill throughout the session - your lawmakers heard you and that's another crucial component of this victory. If you haven't watched our video on the harms of the current law, check it out: <https://youtu.be/z-U1OBDzjuI>.

In other criminal justice news: In coalition with other groups, we passed a bill that will restrict the use of solitary confinement and we stopped more than 30 harmful bills from passing that would have created new crimes and led to more people in Montana's jails and prisons. The failed tough-on-crime days are over, but apparently some legislators haven't gotten the memo.

We worked in coalition with groups including Montana Women Vote, Montana Budget and Policy Center, Montana Human Rights Network, Planned Parenthood of Montana, and others to pass a Medicaid expansion bill. Our original bill - one that was free of burdensome and



*Montanans came out in force on March 16 to rally for Medicaid Expansion*

problematic work requirements - unfortunately failed due to partisan politics. But, as this newsletter went to print, the second-best option, a bill that would expand Medicaid with limited work requirements and protect the healthcare of 96,000 Montanans, was passed by the Senate. Access to healthcare makes our communities safer, lowers recidivism rates, and keeps people out of the criminal justice system. One of the most promising things we saw this session was the number of Montanans who came to the Capitol to make their voices heard! Montanans made one thing clear: Medicaid expansion is good for our state.





*A powerful rally seeking justice for Montana's Missing Murdered and Indigenous Women on January 30*

Another issue that brought people from all over Montana to the Capitol was Indigenous Justice. It was invigorating to see all the energy in the Capitol building rotunda! We were proud to stand with the Indigenous Justice Coalition in support of bills including the creation of Indigenous Peoples Day. This bill passed out of the House with strong support, but didn't pass out of Senate committee. After quite an effort from Indigenous leaders and advocacy groups, Hanna's Act passed! It will bring more support and accountability to the crisis of Missing and Murdered Indigenous Women.

We will rely on Governor Bullock to veto some harmful anti-immigrant bills, including a bill that would penalize cities that use their law enforcement resources on state and local issues instead of helping enforce federal immigration laws. We also opposed a number of bills aimed at banning constitutionally protected abortions in Montana, and we hope the Governor will veto those as well.

There are some issues - including ending the death penalty and ensuring that LGBTQ Montanans have equal rights - that we will continue fighting for. And, in time, we will win.

Thanks for your support and thanks for raising your voice on issues that are important to you. Session might be over until 2021, but our work continues!

# Lobby Day

## Your Voice Makes a Difference!

Despite the subzero weather and treacherous roads, a number of community advocates joined us at the Capitol in February for our 2019 Lobby Day to remind legislators that they work for us - their constituents.

We spent the morning digging into the ACLU of Montana's priority issues this session, including criminal justice reform and Medicaid expansion. Then, people broke into small groups and tracked down their legislators to share their stories and advocate for specific bills.

Showing up and raising your voice is a powerful way that we all can contribute to change and ensure civil rights and liberties for all Montanans. We're so glad you were able to join us!

Lobby Day is just one way you can get involved! Email Zuri at [morenoz@aclumontana.org](mailto:morenoz@aclumontana.org) or fill out our volunteer form at [aclumontana.org/act](https://aclumontana.org/act).



*Our intrepid 2019 community advocates at Lobby Day*

## Give the Gift of Freedom and Liberty!

The ACLU of Montana works in the courts, the legislature, and communities to defend and preserve individual rights and liberties. Your generous donation helps us stand up for the principles of equality, justice, liberty, and democracy.

**Make a gift today!** You can send us your tax-deductible gift by using the envelope provided or by going to [aclumontana.org/donate](https://aclumontana.org/donate)

**Thank you!**

# Border Patrol Detained Me for Speaking Spanish in Havre. Then My Town Turned Against Me.

By Ana Suda

*Certified Nurse Assistant and ACLU plaintiff*

I moved to Havre, Montana — near Canadian border — in 2014 with my husband and our two young children. Home to around 10,000 people, I've always found Havre to be a friendly town, one where I felt good about raising my kids. But that all changed last May when my friend and I were illegally targeted and detained by a Customs and Border Protection agent, just for speaking Spanish to each other in a convenience store.

I didn't think it was possible for one incident to change our lives, but that's exactly what happened.

It started in the Town Pump, a local convenience store, where my friend Mimi and I were waiting in line to pay for eggs and milk. There was a Border Patrol agent standing behind us in line, which is not uncommon since there are a lot of Border Patrol in Havre. Mimi said hello to him — it's that kind of small town — but instead of saying hello back, he commented that she had a strong accent and asked where we were both born.

The question didn't feel friendly, and I was taken aback. I asked, "Are you serious?" And he responded that he was "dead serious."

Mimi and I are both U.S. citizens, born in Texas and California respectively, who grew up speaking Spanish. Other people in Havre have asked me where I'm from before, but I never minded the questions because they came from a place of curiosity. My go-to reply was always, "I'm an American with a sexy accent."

But this was different.

After Mimi and I told the officer that we were born in the U.S., he demanded that we show identification. I didn't feel like I could say no since he was in uniform and armed. We gave him our Montana driver's licenses and then followed him outside into the store's parking lot as directed.

Agent O'Neal — the name on his badge — got on his car radio and asked for backup, as if two moms holding a carton of eggs were a threat. As we stood there, I felt a knot in the pit of my stomach. I told him that I was going to start filming on my cell phone. Then I made a simple request, "Can you tell us in video why you asked for our IDs please."

He said it was because, "You guys are speaking Spanish which is very unheard of up here."

As we waited for him to run our IDs, cars were driving by. The Town Pump is right on the main highway, so it was easy for people to see me and Mimi in the parking lot by the patrol vehicle. Other Border Patrol cars pulled up, with the agents in uniform and guns, including Agent O'Neal's supervisor. When I asked him whether we would have been detained for speaking French, he said, "No, we don't do that." I told them I needed to get back to my family, that I was an American citizen with rights, but the agents would not return our IDs to us. Finally, at the end, they handed them over and said we could leave.

The whole exchange took about 40 minutes.

The whole exchange took about 40 minutes. The consequences from it continue to this day.

After the video of the stop was picked up by the news, Mimi and our families have been harassed repeatedly for speaking out. We received hateful messages from people across the country, but the worst was what happened in our own town, a place I considered home. At his high school, a teacher asked Mimi's son whether he had brought his ID to class. My 8-year-old daughter is scared to speak Spanish and has started responding to me in English when I ask her questions.

Now when I go out to run errands, I consciously try to leave my kids at home, in case someone starts yelling at me or even physically attacks me. I don't want them to see that. I've had people yell at me in restaurants and bars, saying that I am "an illegal."

Life hasn't changed just for our families. Other Mexican and Latinx people in Havre have approached us in the grocery store or on the street, fearful about whether they could also be stopped by Border Patrol just for speaking Spanish or looking different.

In some ways, it would have just been easier to stay quiet about the incident. Maybe life would have gone back to normal, but then I think about my kids. I want them to not only be proud of being bilingual, but I also want them to know that they live in a country where people can't just be stopped and interrogated based on how they look and sound. That's why Mimi and I are suing CBP for violating our rights.

I know this is an important fight not just for Latinx people, but for any community that CBP views with suspicion. One of the things that helped me right after the incident was that people in Native American communities nearby started to send me messages of support, encouraging me to keep speaking out against this abuse.

I know this fight is bigger than just us. Mimi and I can't erase what happened that night, but we can do everything in our power to ensure it doesn't happen to someone else.



Ana Suda and her daughter. Watch the video: <https://youtu.be/Ry8BqMjVbkk>



# Speaking Spanish is Not a Crime



By Alex Rate  
*Legal Director*

This February, we sued Customs and Border Protection on behalf of Ana Suda and Mimi Hernandez.

Ana and Mimi were picking up some groceries at the Town Pump in Havre, Montana, one evening in May, 2018. They were in line speaking to each other in Spanish when a Customs and Border Protection (CBP) agent – who was behind them in line – demanded to know where they were born. (Read Ana’s Blog on page 10).

After they said they were born in Texas and California, the agent forced them to turn over their driver’s licenses. He brought them out of the store and detained them near his patrol car, in full view of neighbors, for an extended period before finally letting them return to their homes and families.

In the heat of the moment, Ana and Mimi had the presence of mind to start recording the incident on one of their cell phones. What they captured on their cell phone was shocking. When they asked why they were being held, the agent answered unequivocally: Because they were speaking Spanish. Ana replied that she was a U.S. citizen and demanded to be released. But the agent called for back-up and refused to let them go for 40 minutes.

This detention violated Ana and Mimi’s constitutional rights and left them feeling threatened and unsafe in their own country.

But, even as they have struggled to get their lives back on track, they refuse to accept an out-of-control CBP as a fact of life. We are proud to represent them as they sue the CBP to demand accountability.

For their bravery in standing up against xenophobia and an agency emboldened by Trump’s anti-immigrant agenda, and for sharing their story with others, we are proud to present Ana and Mimi with the ACLU of Montana’s 2019 Jeannette Rankin Civil Liberties Award. See more about this event on page 17.

Read more about Ana and Mimi on our website: <https://www.aclumontana.org/MimiAndAna>.

**“This detention violated Ana and Mimi’s constitutional rights and left them feeling threatened and unsafe in their own country.”**



# Indigenous Justice Building Youth Leadership

By Meg Singer  
Indigenous Justice Program Manager

Ruth Fourstar and Meg Singer

As part of our Indigenous justice work, we recently started an internship program on the Fort Peck Reservation that builds skill sets for students and other youth who want to create power and fight for justice within their community. For Ruth Fourstar, this means supporting her fellow students when they are struggling in school or in life. As our very first intern with the Indigenous Justice Program, Ruth has been giving back to her community through organizing, outreach, and public education.

The internship has also benefited Ruth. After getting approval from Wolf Point School, she now has a structure to get credit hours for graduation while also helping her fellow students advocate for themselves and contribute to lasting social change.

Ruth is a senior, and has had trouble in school due to PTSD. Louella Contreras, Ruth's grandmother is one of the members in the ACLU Parent Advocacy Group (PAG) in Wolf Point. The PAG is a community group that gathers once a month to discuss education issues. Louella champions her

granddaughter by demanding that the school provide mental health services for Ruth to get the proper support she needs to do well in school. Like Louella, Ruth is a fighter. Both Ruth and Louella advocate for more community involvement, more culturally relevant curriculum in schools that reflects their community, fairer discipline through restorative justice, and a greater say in how public schools on the Fort Peck reservation are run.

One night with the PAG, Ruth asked a tribal leader what could be done to help the students on the reservation. When the tribal leader said there was nothing that could be done, Ruth decided to bring her expertise into the community to be a stronger advocate on education issues on the reservation.

So far, Ruth has spent most of her internship hours organizing around education in Fort Peck. She helped plan an event called "An Evening with the ACLU" last fall, where people from across the reservation showed up to play games and discuss how to implement culturally responsive curriculum in the school. Ruth has spoken truth to power several

times by telling her story directly to the school administration, and a neighboring school district. She wants to give them information about what it's like being a kid in the schools on the reservation. She knows that many students are in similar situations but fear retribution for speaking up. Ruth is proof that, with support, Indigenous youth can fight for justice for themselves and their peers.

In January, the New York Times published an article on the biased treatment of Indigenous students in public schools on Fort Peck. Ruth was prominently featured in the story. Since then, she has received an outpouring of love and support from her community and from others around the country. Leading by example, Ruth encourages more people at Fort Peck to talk about how to advocate for a better educational system. She firmly

believes that youth should be in control of directing their own futures, and that schools have an obligation to help them succeed.

Ruth loves animals and is a talented artist. She wants to attend college at either a state school in Montana or a tribal college in North Dakota or Minnesota.

Indigenous youth are not one-dimensional. Each student has different needs and talents. They can all thrive when provided with investment and opportunity. Through the ACLU of Montana's internship program, we will continue to connect with youth on the Fort Peck Indian Reservation and support them as they create power within themselves and their community.



## The Office of Civil Rights Launches Investigation into Wolf Point Schools

By Lillian Alvernaz

*Indigenous Justice Legal Fellow*

Montana's public education system – based off a colonial model – has failed Indigenous youth for decades. Take Wolf Point, for example, where non-Indian administrators and staff foster a culture of discrimination against the majority-Indigenous student population. In collaboration with Melina Healey in 2017, we filed a civil rights complaint with the Department of Education (DOE) against the Wolf Point School District. The Title VI Complaint requested a federal investigation of the Fort Peck Tribes' allegations of discrimination against Indigenous students. Since Wolf Point public schools receive federal funding, they must comply with Title VI of the Civil Rights Act (which prohibits discrimination by any entity that receives federal funding).

At the end of 2018, DOE formally initiated an investigation. In April of 2019, DOE investigators started meeting with parents and families in Wolf Point. They will investigate stories like the 4.0 National Honor Society student athlete who was forced to quit the volleyball team as a junior due to bullying. Other Indigenous students are warehoused in the "Opportunity Learning Center," a classroom for remedial learning that has become, essentially, a repository for the children the teachers prefer to avoid. The students in the OLC are almost all Indigenous. This systemic discrimination against Indigenous students at Wolf Point is chronicled in our Title VI Complaint.

We hope that the DOE findings are influential in bringing a positive outcome and a much needed change to the Wolf Point public school system and community.

# 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 10% 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](http://www.aclu.org/legacy) or call toll-free **877-867-1025**.

**ACLU** Legacy  
Challenge

# Against All Odds

## One Person's Success in Spite of the System



*Melissa Smylie outside of her Alma Mater, the University of Great Falls*

Melissa Smylie completed her bachelor's degree in Paralegal Studies from the University of Great Falls in 2016, and is currently an Employment Specialist with Express Employment Professionals. She's a mom, and a former Americorps member.

She's also formerly incarcerated.

While on probation, Melissa did everything she could to get her life back on track. But the system kept her down. She found a job when she was released - but her probation officer wouldn't give her a travel permit to get to work. On her probation officer's request, she moved to Shelby from Great Falls, where there were extremely limited employment options. When she found another job doing bookkeeping for a local casino in Shelby, her probation officer also refused to allow her to work there.

It wasn't only about finding a job. Melissa's probation requirements forced her to be separated from her family. When she asked for a travel permit to see her daughter, she was denied. She was accused of violating her probation without any proof and was threatened with additional jail time if she didn't plead

guilty. She was denied food assistance and was told she couldn't sign a lease.

These counterproductive and heartless probation restrictions left Melissa hungry and homeless.

Still, Melissa refused to give in to the threats and baseless charges. She stood up and surmounted obstacles in the system that were holding her - and hold so many others - back. And, against all odds, she succeeded. Now, Melissa is courageously speaking up so that she can help make the system better for others.

"I hope to raise awareness about the pressure to plead and how the probation system drives prison rates up," said Melissa.

For her bravery in standing up for what is right, and for sharing her story with others, we are proud to present Melissa with the 2019 Jeannette Rankin Civil Liberties Award. See more about this event on the facing page.

Read Melissa's whole story on our website:  
<https://www.aclumontana.org/MelissaSmylie>.



# JEANNETTE RANKIN CIVIL LIBERTIES AWARDS



**RSVP TODAY!**

**2019 HONOREES**  
**ANA SUDA**  
**MIMI HERNANDEZ**  
**MELISSA SMYLIE**

**JUNE 8, 2019 // GREAT FALLS**

**PARIS GIBSON SQUARE MUSEUM OF ART**

**RSVP RECOMMENDED**

**[WWW.ACLUMONTANA.ORG/RANKIN2019](http://WWW.ACLUMONTANA.ORG/RANKIN2019)**

# Meet Our New Staff

## Introducing the Newest Members of the ACLU of Montana Team

Britta Blödorn • *Director of Finance and Operations*



Britta Blödorn joined the ACLU of Montana in November 2018 as Director of Finance and Operations. She is responsible for the organization's financial systems, management and accounting, budget planning and monitoring, human resources, operations management, and compliance. She's excited to work with an organization dedicated to social justice and defending and advancing civil liberties.

Before joining the ACLU of Montana, Britta worked as a full-charge independent bookkeeper, providing bookkeeping, accounting and payroll services and consultation for small business and non-profit clients in Montana. She's also worked with a tax accounting firm and as a financial controller. Beyond finance

and operations, Britta has a passion and background in health care. She has a private practice as a western clinical herbalist and is a botanist and educator. She also apprenticed as a midwife in a homebirth midwifery practice in the San Francisco Bay Area.

Britta was born and raised in Northern Germany and moved to the United States in 1995. She holds a B.S. in Resource Conservation and a B.A. in Geography from the University of Montana. Britta cherishes her close friends, family, partner, and animal companions. She enjoys long walks and hikes, traveling, and swimming in rivers and oceans.

## STAY UP-TO-DATE

Sign up for our emails at [aclumontana.org](https://aclumontana.org) and follow us on these platforms:





Brooke Swaney • *Communications Associate*

Brooke Swaney joined the ACLU of Montana in November 2018. An enrolled member of the Blackfeet Tribe and a Salish descendent, she works to advance the public's understanding of Native communities through storytelling. In 2016, she worked on the Bernie Sanders Presidential campaign, directing their Native Outreach Ad, "I Am Human." She also produced a series of digital videos for Latinx outreach, and edited "How to Caucus" videos in Iowa and Nevada. Aside from Native stories, Brooke also aims to advance justice, civil liberties, and civil rights for all through her work.

Brooke is also a filmmaker, whose work has screened nationally and internationally. Be on the lookout for her first feature-length documentary, *Daughter of a Lost Bird*, which tells an intimately personal story about a

Native transracial adoptee returning to her homelands and encountering her Native identity.

Before her film career, Brooke worked at the Indian Law Resource Center as a Development Associate.

She holds her MFA in film from the Kanbar Institute of Film & Television, New York University, Tisch School of the Arts. In 2003, she graduated with honors from Stanford University with a Bachelor's degree in Psychology. Her undergraduate research focused on the Media and its effects on perceptions of American Indians.



# ANNUAL MEMBERSHIP MEETING

**JOIN US!**

Wednesday, June 12 at 6:00 p.m.

This year we will host a Tele-Town Hall with  
Caitlin Borgmann, Executive Director  
Vickie Christie, Board of Directors President  
Britta Blödorn, Director of Finance and Operations

RSVP at [aclumontana.org/TeleTownHall](https://aclumontana.org/TeleTownHall)

# DARE TO LAUGH



## Broad Comedy

Opening Act by Lenny Peppers

**BENEFIT FOR THE ACLU**

TICKETS: [ACLUMONTANA.ORG](https://aclumontana.org)

Whitefish

**9/25**

Missoula

**9/27**

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