



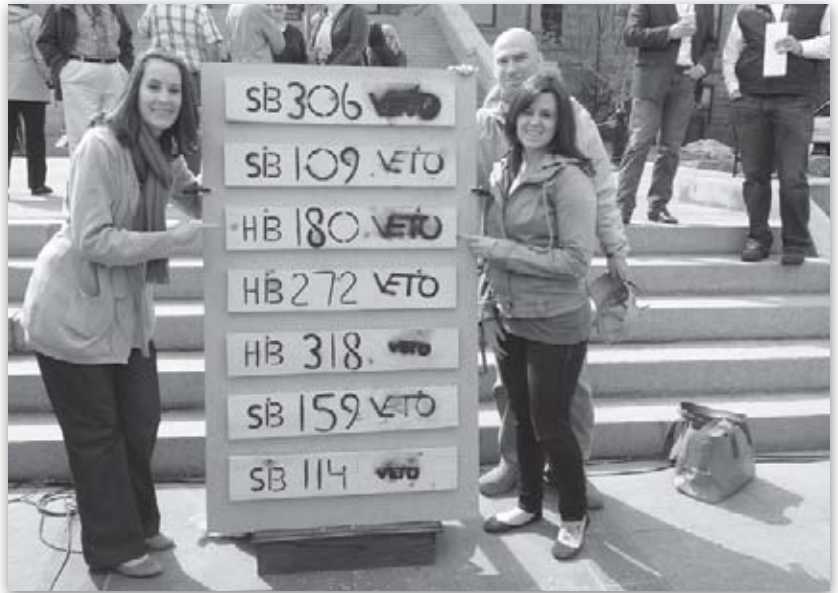
ACLU Protects Rights At Capitol *by Niki Zupanic, Public Policy Director*

After grabbing headlines and national attention with bills to legalize spear hunting, mandate marriage counseling prior to divorce, and deny citizenship to children of immigrants — and taking two “spring break” vacations — the 2011 Montana State Legislature closed in late April. In the end, the session gave us a fantastic opportunity to educate Montanans about the importance of protecting civil liberties as our testimony was featured in media reports across the state.

When the session opened, we knew that a majority of legislators in each chamber were opposed to many of our issues. Persuading legislators to change their minds, or vote against their caucus’s position in some cases, would be difficult, if not impossible, on many issues. So, we changed course a bit and focused our energy and resources more strategically.

Our most valuable currency up at the Capitol has always been the reliable information and thoughtful analysis that we provide. We used that currency to target open-minded legislators, to create a clear record should we need to file a legal challenge, and to make our best pitch to Governor Brian Schweitzer to make use of his veto pen.

Who knew that a trio of “VETO” branding irons would be added to that pen?



ACLU staff celebrate Governor Schweitzer’s VETO branding of a bill to end Election Day voter registration. Voting rights were one of many civil liberties the ACLU defended during the 2011 Legislative Session.

A few disturbing themes emerged this session:

- Whatever the topic, state legislators know best.
- Some people are less deserving of civil liberties than others.
- Public input is only a nuisance to be accommodated.

From trying to nullify various federal laws, and attempting to repeal and prohibit local non-discrimination ordinances, to reinterpreting the 14th Amendment of the U.S. Constitution,

and keeping Montanans from making their own medical decisions and end of life choices, Montana legislators attempted to impose their will on the people of Montana.

Unpopular groups were threatened with losing due process rights, privacy rights, voting rights and even state citizenship. Legislators truncated public hearings on some of the most contentious bills of the session, in some instances limiting testimony to only 10 minutes per side. Montanans who traveled hundreds of miles in inclement winter weather were turned away and not allowed to even state their names for the record. Legislators also revised deadlines for referenda so those bills could be brought up much later and passed in the few waning days of the session. Budget proposals and bill amendments were revealed just hours before committee votes,

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Teamwork Required

Ambitious. Accountable. Collaborative. Disciplined. Strategic.

This is how the ACLU of Montana was described by ACLU’s national staff when they selected us to be a part of the Strategic Affiliate Initiative (SAI).

Each of these words is descriptive standing alone. Together they frame the picture for our ability to get things done. I invite you to focus for a few moments on the “what” and “how” of “collaborative” and why that makes a difference as we go about fulfilling our mission.

For starters, collaboration means group effort, implying some sort of partnership with an expectation of teamwork. Practically speaking, we depend on collaboration on a multiplicity of fronts, starting with our need for you, our valued members and donors.

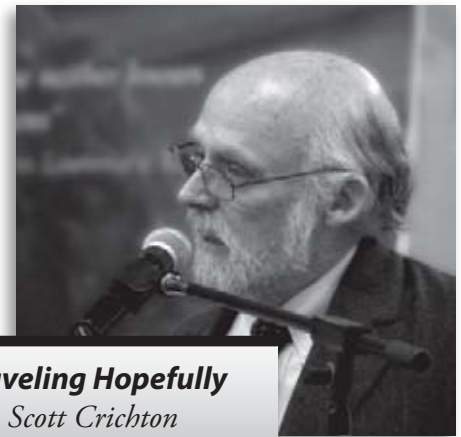
Collaboration of staff and board is a given. We have a number of dedicated and talented people employed by the affiliate as staff and volunteering for ACLU as board members. Everyone has a job description and a realm of responsibility that goes with it. But each of us, regardless of what role we are in, has more to get accomplished than we can efficiently achieve acting by our lonesome selves.

What does it mean in practice?

Collaboration means that our staff members work as a team. For example, Amy in communications collaborates to best craft messaging with Betsy and Jen on cases being litigated; with Niki and Denver on issues of public policy; and with Claudia and me on how to meet our development needs.

It goes beyond our own offices. If we did not embrace a collaborative model, our legal program would be greatly diminished. Betsy’s abilities to recruit and successfully work with cooperating pro bono attorneys allows us to broaden our docket, to take on multiple cases, and to become engaged on a variety of issues.

The same is true for issues of public policy where we work closely with in-state allies. Niki and I work collaboratively with many other civil liberties advocates on issues like death penalty abolition, reproductive freedom and education, keeping our schools safe from bullying, and due process and equal protection.



Traveling Hopefully

*Scott Crichton
Executive Director*

Coalition building is essential to turn understanding into effective action.

We can never forget the collaboration that goes on between the national ACLU and our affiliate – and affiliates across the country for that matter. The national ACLU centers provide additional expertise and talent partnering with those of us on the ground in the state battlefields on our myriad issues. And look at the breadth of issue expertise housed in these Centers:

- *Democracy* (1st Amendment, National Security, Technology and Liberty, Human Rights)
- *Equality* (Disability Rights, Immigrants’ Rights, Racial Justice, Voting Rights)
- *Justice* (Capital Punishment, Drug Law Reform, Prison and Overincarceration)
- *Liberty* (LGBT and Aids, Religion and Belief, Reproductive Freedom, Women’s Rights)

But none of this would be happening without you, our members. There is, after all, a very good reason we call our organization the American Civil Liberties Union. We stand together in solidarity to defend individual liberty and constitutional rights.

We really want to close this symbiotic loop by asking each of you to take steps beyond joining and renewing your membership to help with grassroots lobbying. This last session, for example, we increased our effectiveness enormously by growing our e-mail action alert list to more than 1,400 people. If you are already part of that list, thank you. If you’re not

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Who Else Will Defend Civil Liberties?

This spring, I find myself thankful once again to live in a country with a government subject to checks and balances. I am grateful that Governor Brian Schweitzer was willing to use his veto power on bills that violate Montanans' rights. I am also proud of my association with the ACLU of Montana, an organization with a mission to defend constitutional rights—even in the face of major legislative challenges to those rights. The ACLU of Montana staff deserves our kudos for working so hard to make our collective voices heard this legislative session, a difficult task because of this legislature's disdain for public input.

Just a few of the issues that did not survive the legislative session include a threat to reproductive choice which would have criminalized the death of a fetus; a threat to sex education in public schools; and threats to voting rights. The ACLU presence at the Montana Legislature was important in defeating these and other attempts to erode civil liberties.

Unfortunately, there were also some setbacks this session. For example, the bill that would have finally eliminated the death penalty in Montana was passed by the Senate but did not make it out of the House. The ACLU has worked on this for more than 10 years and is committed to seeing the death penalty eliminated. While our medical marijuana law was not overturned, the "reform" bill that did pass is too restrictive and

will adversely affect those who rely on medical marijuana to live pain-free. Also, a referendum on parental notification for abortion will be on an upcoming ballot—another challenge to choice.

We will have to live with the results of this legislative session for the next two years, but it is not too early to start preparing for the next session. If you also want to see the death penalty abolished, reproductive freedom

maintained and your civil liberties preserved, now is the time to get active. Exercise your right to vote in upcoming elections—and encourage your like-minded friends and family to do so as well.

Continue your support for ACLU of Montana: maintain your membership and consider making donations to help with our work. Your backing is crucial to the success of ACLU efforts. Let's make sure that 2013 is a better year for your constitutional rights.



President's Reflections

Sheila Bonnard



Important Dates in Civil Liberties History



JUNE

Gay and Lesbian Pride Month

June 7, 1965: *Griswold v. Connecticut* decided (establishing right to privacy and to use contraceptives)

June 19, 1865: Juneteenth

(Union soldiers arrive in Galveston, TX, with news the Civil War is over and all slaves are free)

June 27, 1969: New York City police raid Stonewall Inn

JULY

July 2, 1964: LBJ signs Civil Rights Act

July 4, 1776: Declaration of Independence signed

July 9, 1868: 14th amendment ratified

July 10, 1925: Scopes Trial begins in Dayton, TN

July 19-20, 1848: Seneca Falls Convention

AUGUST

August 6, 1965: LBJ signs Voting Rights Act

August 10, 1988: Civil Liberties Act of 1988 passes (granting reparations to Japanese-Americans interned during WWII)

August 18, 1920: 19th Amendment ratified, allowing women to vote (Women's Equality Day observed)

SEPTEMBER

September 17: Constitution Day Observed (marking the day the Founding fathers adjourned the 1787 Constitutional Convention)

September 22, 1862: Abraham Lincoln issues the Emancipation Proclamation

Last Week of September: Banned Books Week



CLOCKWISE FROM TOP: Seneca Falls, Signing the Declaration of Independence, LBJ signs the Voting Rights Act into law, John T. Scopes, and the Stonewall Inn

ACLU of Montana Takes a Stand for Fair Elections

For-profit corporate independent expenditures in question



Legal Notes

Betsy Griffing
 Legal Director
The Jean Anderson Chair

A significant case on corporate free speech is currently before the Montana Supreme Court. The case is called *Western Tradition Partnership, Inc. et alia, v. Attorney General of the State of Montana, and Commissioner of Political Practices*. Western Tradition Partnerships (WTP) as the lead plaintiff sought to overturn a part of Montana's 1912 Corrupt Practices Act that prohibited corporations from making direct expenditures from their treasuries on political campaigns.

The ACLU of Montana filed an Amicus Brief in support of the State's position (which is unusual as we generally are in the position of having to sue the State). We

took the position that the unique history and nature of Montana politics were sufficiently compelling interests to support the regulation of corporate campaign spending through disclosure and reporting of corporate expenditures. We argued that Montana history, in particular the nationally recognized corruption of the Copper Kings, showed how elections could effectively be bought, thereby overwhelming the voice of the individual voter and undermining voter confidence. We maintained the State's interests in having a strong voice of the individual voter and fostering voter confidence in the elections process were sufficiently compelling interests to justify regulation of corporate campaign spending.

The ACLU is properly famous for its "hard line" on free speech protections. The First Amendment protects the right to all speech, even the most offensive. When

such speech involves unlimited corporate spending that infiltrates and has the potential to skew and corrupt the elections process, however, the ACLU of Montana Board of Directors agreed that limited government regulation could be justified.

This case involves "independent campaign expenditures" which are ads and commercials that support a political candidate, but this does not involve direct campaign contributions to a candidate.

Some background on the case: In *Buckley v. Valeo* (1976), the United States Supreme Court held that direct campaign contributions could be regulated and capped because of the possibility of the quid pro quo favoritism that might result from such direct contributions. The Court, however, held as unconstitutional any regulation or cap on "independent expenditures" that were focused on issues but not candidates because the risk of this quid pro quo bargaining was much less with independent expenditures. Shortly afterward, the Court decided *First National Bank of Boston v. Bellotti* (1978), which involved a complete ban on corporate spending in referenda campaigns. The Court invalidated the ban holding that there was little risk of quid pro quo corruption, and saying that while a candidate might offer political favors in return for campaign contributions, a referendum could not.

For many years after the *Bellotti* decision, however, the Court allowed restrictions on corporate campaign expenditures, reasoning that while state laws grant corporations special advantages to allow them to play a dominant role in the economy, those resources so amassed allowed them to maintain an "unfair advantage in the political marketplace," (*Federal Elections Commission v. Massachusetts Citizens for Life* (1986)). Following this reasoning, the Court in *Austin v. Michigan Chamber of Commerce* (1990), upheld the prohibition on direct corporate expenditures but allowed corporations to set up segregated funds to which employees, shareholders and members could contribute. Austin was, however, overruled by the Court last year in *FEC v. Citizens United* (2010), where the Court stated that corporate speech rights with respect to independent expenditures were equivalent to those rights of an individual, stating that "political speech does not lose First Amendment protection 'simply because its source is a corporation.'"

Based upon the holding in *Citizens United*, WTP sought a declaration from Montana courts that Montana's statute banning corporate independent expenditures was likewise unconstitutional. The Montana Attorney General argued for the constitutionality of the ban and the regulation of corporate spending through disclosure and reporting requirements. The District Court rejected the State's arguments and held that the ban was unconstitutional under *Citizens United*. That decision is now on appeal to the Montana Supreme Court.

Traveling Hopefully continued from page 2

please take a moment to visit our website and sign up for our simple and effective community action network.

Another way you can collaborate is by attending, or helping to host, ACLU events in your community. Doing so helps us broaden our statewide presence, and introduces you to kindred spirits close to your home with whom you can build relationships and take action.

Collaboration—one of the keys to ACLU's strength. So people get ready. We have a huge challenge before us and we need you to weigh in as active members of the team. Go online to stay informed, to sign up for the action alerts, or to learn about our work in more detail. If you'd rather, send us a note or give us a call. With you we can build stronger local ties all around the state.

We can do a lot from our offices in Helena and Missoula. We can do a great deal more with your collaboration.

The ACLU's case for domestic partnerships is far from over We are committed to working for fairness for Montana's same-sex couples

by Amy Cannata, Communications Director

We always knew it was going to be a journey with bumps and curves in the road. So did our six plaintiff couples when they signed on to sue the state of Montana for domestic partnerships.

So while Montana District Court Judge Jeffrey Sherlock's April ruling to dismiss our case *Donaldson and Guggenheim v. State of Montana* was disappointing, we are as committed as ever to the case and winning relationship recognition for same-sex couples. We are appealing the ruling to the Montana Supreme Court.

This case is about a future where all loving, committed couples are treated with dignity, fairness and respect, and same-sex couples have the same rights to care for one another as opposite-sex married couples.

Our plaintiffs' and our spirits and determination remain strong.

"This is just a first step on one of the roads to victory. This is a bump, not a loss," wrote Helena plaintiffs Jan Donaldson and Mary Anne Guggenheim in a message to their fellow "fabuliffs" and ACLU staff. "We do know we are right, and many many other people of all colors, stripes, majorities and minorities, Democrats, Independents and even Republicans know we are right. And we shall prevail, for sure in our grandchildren's lives, probably in our children's, maybe in ours. Let's all try to meet up in Bozeman for PRIDE weekend and march with all kinds of pride. Best to everyone — we are in this however long it takes. Thank you for being who you are and thanks to the ACLU staff for standing proud with us."

Wrote plaintiff Mike Long of Bozeman (with his usual quick wit): "The next time you're in the state capitol, stop and ponder the statue of my hero Jeanette Rankin ... She knew of a time when the thought of a woman voting was unthinkable. Now the concept of denying women the vote is laughable. So shall it be with our cause. (I just hope it happens before I'm dead and

gone and somebody's pondering my statue, not that I'll have one, but if I do it'll be a good-looking one)."

Judge Sherlock said in his ruling that he sympathized with our plaintiffs. He stated that "there appears little doubt that Plaintiffs have been subject to private prejudice, discrimination, and even violence in Montana. The State also does not dispute the economic and emotional harm often suffered by the Plaintiffs due to their sexual orientation."

Still, Judge Sherlock said that to order the Montana Legislature to enact a statutory framework establishing domestic partnerships would be a violation of the separation of powers between the judicial and legislative branches of government.

We disagree. So did judges in Vermont and New Jersey. When faced with sets of facts similar to those in our case, those judges ordered their



Mike Long and Rich Parker are one of six committed same-sex couples on behalf of whom the ACLU is suing the state of Montana for domestic partnership recognition. They live in Bozeman with their son, Kevin.

states' legislatures to right the violation of same-sex couples' constitutional rights by establishing a framework, such as domestic partnership registries, for same-sex couples to obtain the same protections as marriage.

That is exactly what our lawsuit seeks. And we are still very hopeful that the end result will be a domestic partnership registry for Montana's same-sex couples.

In the meantime, we hope that you will join us in our work to educate the public about domestic partnerships and to change hearts and minds on the issue.

What YOU Can Do!

Sign the FAIR IS FAIR petition at www.aclumontana.org. Do this, and you help demonstrate that fairness really is a Montana value!

If you belong to a religious congregation, ask your clergy to sign on to a statement of support. Signing on is easy; your faith leader just needs to send his or her name, title, denomination, and city or town to niniab@aclumontana.org. Write to this address if you want someone to speak to your congregation about domestic partnerships.

If you work at or take classes at a college or university, host or attend a "Tell 3" training. The "Tell 3" campaign uses one-on-one conversations and personal stories to give people a chance to better understand the real-life concerns of LGBT friends and fam-



Montana State University students (l-r) Adam Arlint, Colin Gaiser, Vanessa Naïve, and Hannah Wahlert are working with the ACLU to conduct "Tell 3" trainings designed to teach students how to talk to family and friends about being gay.

ily members. "Tell 3" trainings are presented by young people for young people and prepare LGBT students and straight allies to tell three people why we need fairness. E-mail niniab@aclumontana.org to schedule a training session.

Abolition Passes Senate but Dies in House Judiciary Committee

by Denver Henderson, ACLU of Montana Abolition Coalition Coordinator

Thousands contacted legislators to ask for an end to Montana's broken death penalty system.

So close. Once again death penalty abolition passed in the Montana Senate, but failed in the House of Representatives. In spite of overwhelming support from almost every angle, the House Judiciary Committee refused to pass the bill along to the full House, ensuring that the death penalty will remain on the books for at least another two years. During a time of cutbacks to social services, the state budgeted for \$1 million in public defense over the next biennium for a capital murder case in Flathead County and may build a new execution chamber at Montana State Prison.

debate from offenders to those that really deserve the attention. And we now have strong allies within the law enforcement community. But perhaps most importantly, through this work we forged new relationships with leaders on both sides of the aisle. We have set the stage for victory in 2013.

It's easy to see our efforts as a singular campaign focused on the 2013 legislative session, but in reality our work is part of continuum, and our success is due partially to those who fought before us. The monumental strides we made this year were only possible because the ACLU and its coalition partners consistently fought against the death penalty for the past decade. It is due to our activists who continue to take a principled stand for each person's constitutional rights. And lastly it is due to the members and donors who faithfully gave us the resources to fight these battles. For all that you have done in the past to get us to this point, thank you.

Our success in 2013 depends on the work we do over the next two years. We must use the time we have wisely and work diligently to accomplish three things during the interim.

FIRST, we need to hold our elected officials accountable for their bad votes this year. If your senator voted against us, he or she needs to hear from you. More importantly, if your representative sits on the House Judiciary Committee, and voted against us he or she must be held directly responsible for the state continuing to kill in our name and waste taxpayer money to do it.

SECOND, we made significant inroads with both parties this year. Legislators who voted for us or co-sponsored the bill need to know you appreciate their support.

FINALLY, we need your help to keep reaching out to Montana communities. Along with working to strengthen and grow our existing chapters, we are also working to organize a strong hub chapter in Billings that can help us reach out to the eastern part of the state. If you live in Yellowstone County and support the cause of abolition we really need your help. Please contact me at denverh@mtabolitionco.org and let me know I can count on your support as we work to replicate what we have built in the western part of the state.

In summary we've come a long way since 2009, and we led a valiant effort in the Montana Legislature this year. It's been an honor to work with you toward this shared vision. With your help we'll be ready to come back to Helena in two years and finish the job.



Lavonne Hohn, here holding up a picture of her murdered daughter Donna Meagher, was one of more than 50 victims' family members who wrote a letter to Montana legislators asking them to end the death penalty.

The results may seem discouraging, but by a number of measures our organization is stronger, larger and more diverse than ever before. Our speaker tours garnered new members in key communities across the state. We established new chapters in Superior, Kalispell, Polson and the Bitterroot, as well as an amazing hub chapter in Missoula. We more than doubled the number of faith leaders in our coalition, as evidenced by our faith leader sign-on letter which boasted 267 signatories. Our diligent work with friends and families of murder victims shifted the public

ACLU Settles with Lake County Over Treatment of Pregnant Prisoner

by Jennifer Giuttari, Staff Attorney

We are pleased to report that the ACLU reached a favorable settlement in *Cajúne v. Lake County*. As you may recall, the ACLU filed suit on behalf of Bethany Cajúne in November 2009 as part of our Montana Prison Project. The lawsuit alleged that Bethany, who was four months pregnant at the time, was denied necessary medical care for her opioid addiction while she was incarcerated for traffic offenses in Lake County Detention Center in March 2009.

Bethany suffered from dehydration and lost more than 10 pounds in just a few days of incarceration. She was eventually hospitalized. Thankfully, she did not lose her baby.

As a result of the lawsuit, the Lake County Detention Center has agreed to implement a new policy that protects pregnant inmates who have been identified as having an opiate addiction. The new policy provides that any woman who is, or may be, pregnant, and who has a history of opiate addiction will be referred to an obstetrical provider to establish a plan of care to prevent the woman from undergoing opiate withdrawal syndrome. All Lake County detention staff will receive training on this policy at least twice a year and the new policy will be explained orally and provided in writing to every female



The ACLU won a settlement with Lake County over the treatment of Bethany Cajúne (pictured here in 2009 with her baby) while pregnant and in jail.

inmate who indicates that she is, or might be, pregnant.

We are hopeful that this new policy will help women incarcerated at Lake County Detention Center.

ANNUAL MEETING 2011



Laura Murphy, ACLU Washington D.C. Legislative Office Director



ACLU members always have a lot to talk about when they get together.

It was great to see so many of you at the University of Montana School of Law in Missoula and at our March annual meeting in Helena. ACLU Washington D.C. Legislative Office Director Laura Murphy loved speaking to good crowds at both events,

and getting a chance to visit Montana. It was clear that she fights the same battles in Washington, D.C., that we do here during the Montana Legislative Session. But she does it year-round. See you next year at our annual meeting in Billings.

Protecting Rights, continued from page 1

making public input nearly impossible on some measures.



Public Policy Director Niki Zupanic managed to keep a smile on her face even as she took on bill after bill attempting to strip away our rights. Thankfully for Montana, she prevailed most of the time.

In the end, however, we overcame these obstacles and successfully defeated most of the worst attacks on civil liberties. ACLU of Montana staff testified more than 80 times on 60 bills. Of the dozens of bills we opposed, 24 died or were tabled by the Legislature, and the governor vetoed another ten. Five bills we opposed have become law, with another three qualifying for the November 2012 ballot.

Criminal Justice Reform

Efforts to curb impaired driving were a central focus of legislators this session. We were pleased that legislators voted down proposals to try minors as adults for the crime of vehicular homicide under the influence, to place a “scarlet letter” notation of a DUI conviction on driver’s licenses, to provide that any amount of any dangerous drug or metabolite in a driver’s system is considered drunk driving per se, and to make criminals out of drivers who assert their right to refuse a breath or blood test.

We supported a successful proposal to alleviate some conflict-of-interest issues within the Office of Public De-

fender. And while the Legislature continues to underfund the agency, OPD was generally spared drastic budget cuts other state programs suffered.

Our work with the Montana Abolition Coalition to repeal the death penalty and replace it with life without possibility of parole continued with our support of SB 185 by Senator Dave Wanzonried. Unfortunately, despite overwhelming support from thousands of Montanans, the House Judiciary Committee blocked the repeal bill once again. Please see page 6 for a full recap of the incredible work that the Montana Abolition Coalition did this session.

Privacy Rights

The ACLU of Montana and our partners in the Montana Reproductive Rights Coalition fought hard against nine anti-choice bills introduced this session, including attempts to amend the Montana Constitution to prohibit abortion and proposals to revive the state’s invalid parental notification law, to single-out reproductive health clinics for additional regulations, and to require women to undergo an ultrasound and listen to a description of the image before obtaining an abortion.

The great news is that four anti-choice bills died, and the Governor vetoed another four that made it to his desk. Unfortunately, a referendum to revive our invalid and unconstitutional parental notice act qualified for the November 2012 ballot. The vast majority of teens in Montana already involve their parents in their decision to access abortion care. A parental notice requirement will only place these teenagers in harm’s way and lead them to delay medical care. We are already working with our partners to develop a voter education campaign against this ballot measure.

For the second session in a row, the Legislature declined to take any action on Montanans’ right to die with dignity. We supported a proposal to create an Oregon-like statutory framework for patients to have access

to physician-aid-in-dying, and opposed another bill that would have completely banned the practice. In the end, neither bill was approved by the Senate Judiciary Committee. As a result, the Montana State Supreme Court’s ruling in *Baxter v. State* remains intact and physicians who help a terminally-ill, mentally competent, adult patient may still assert a consent defense if charged with homicide.

On LGBT-related bills, we were disappointed when the House Judiciary Committee tabled a bill to amend the criminal code to delete same-sex relations from the definition of deviant sexual conduct, after the Senate approved the bill in an overwhelming bipartisan vote. For years, the Legislature has refused to change the statute so that it complies with rulings by the Montana and United States Supreme Courts. We are heartened, however, by the scores of legislators who did vote for the bill, indicating a strong starting point for a bill next session.

The Legislature maintained the status quo when it comes to LGBT-inclusive non-discrimination laws. Legislators continued to refuse to expand the state’s non-discrimination law to include sexual orientation and gender identity and expression. Meanwhile, the Senate eventually killed another bill that would have repealed the LGBT-inclusive nondiscrimination ordinance that the city of Missoula passed in April 2010, and would have prohibited any local government from enacting a similar ordinance.

Racial Justice

Despite the fact that Montana has a very small immigrant population, with fewer than 3,000 undocumented workers believed to be living in our state, the Legislature considered bills to deny workers compensation to many immigrants, require all employers to screen new hires through an error-filled federal database, and to deny state citizenship – and even issue different birth certificates – to children of some immigrants. Fortunately, almost

every anti-immigrant bill died in the Legislature or by the governor's veto pen. One bill that survived – a referendum to require proof of citizenship or immigration status before a person may receive certain state services – will be on the November 2012 ballot.

Church and State

We successfully opposed two thinly veiled attempts to subsidize parochial education by diverting state tax dollars to private schools. One bill would have provided a tax credit for private schools and home schooling, while another would have provided for student scholarship organizations and tax credits for do-

nations to these organizations. Both bills failed in committee.

Voting Rights

The governor vetoed two bills that would have disenfranchised Montana voters. The first would have repealed same-day voter registration, and the second would have severely limited the types of identification that voters could use at the polling place. We are grateful that the governor saw through baseless claims of fraud and protected Montanans' access to the ballot box.

The Legislature also rejected a bill to enact a mandatory vote-by-mail system. We opposed the bill based on our concerns that such a system would limit the number of places where voters can register to vote and return a ballot on Election Day. In particular, voters with disabilities should have access to voting machines that accommodate their needs and allow them to privately cast a secret ballot. And voters who move frequently may not receive their ballot in time to return it by mail to be counted in the election.

Learn more about all of the bills on which we testified in our End of Session Report at www.aclumontana.org.

ACLU Internship an Inspiring Experience

by Jim Kearns, Legislative Intern

The legislative session was quite a ride. I started in early February, not quite knowing what was in store for me, but I jumped in with both feet. So much has happened and I have learned a lot from my experiences. Over the course of this legislative session I made some truly great friends and worked with some amazing people. I got to testify on important bills and help draft important documents.

My coworkers have truly been a wonder. They took me into their close-knit family and included me in everything they have done. The easy camaraderie in the office, even through this tough session has just been amazing. The playful atmosphere of-

ten helped defuse the stress and tension of this often trying period. I was made to feel like part of the team from day one. I was trusted with meaningful and important tasks, and I did my best to meet expectations.

I was given the opportunity to testify on two important bills, Senate Bill 185, the abolition of the death penalty, and Senate Bill 167, the death with dignity bill. While neither of the bills passed into law, I like to think I gave the legislators something to consider with my testimony. Additionally, I compiled and drafted the ACLU of Montana's mid-session transmittal report, the end of session report, and drafted numerous veto letters to be sent to the Governor.

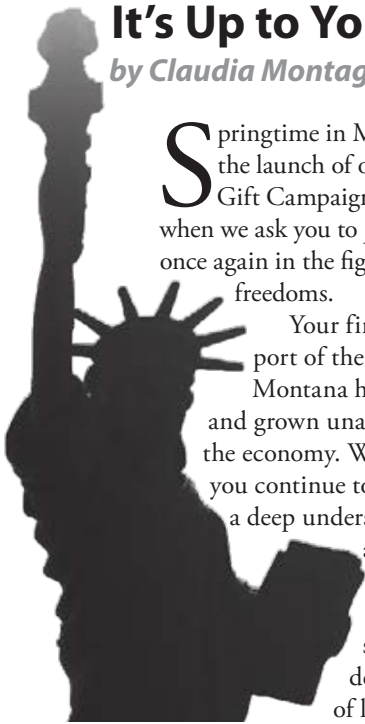
In all, my time at the ACLU of Montana has not only been an enjoyable experience but an educational one. I gained greater insight into the legislative process, sharpened my research skills, and made some great friends. I wish the best of luck to next session's intern and hope he or she finds the experience as enriching as I have.



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It's Up to You and the ACLU

by Claudia Montagne, Development Director



Springtime in Montana marks the launch of our Annual Gift Campaign, the time when we ask you to join with us once again in the fight for our freedoms.

Your financial support of the ACLU of Montana has continued and grown unabated despite the economy. With your gifts, you continue to demonstrate a deep understanding of and commitment to the absolute necessity for a vital defense of liberty.

With your gifts, our work on your behalf has flourished – resulting in successes and progress for fairness, human dignity, privacy and due process in the courts, in communities, and yes, even in the Legislature.

Who else but you is there for indigent defense, domestic partnership recognition, humane conditions of confinement, and racial justice? Who else but you is there for abolition of the death penalty, choice, reproductive rights and comprehensive sex education?

People are counting on us—you and the ACLU. Your

“Because freedom can’t protect itself”

— Roger Baldwin

renewed support for the ACLU of Montana Foundation will provide us with the resources we need to meet the enormous challenges that lie ahead. Please take advantage of the enclosed envelope and return it with your generous donation today.

Together we can make Montana a place that truly embodies our constitutional ideals.

ACLU 90th Anniversary Exhibit in the Capitol



ACLU

90 Years Strong

Ninety years of ACLU history were on display in the Montana Capitol Rotunda in March when the ACLU's national touring exhibit made a stop in Helena. Thanks to all who stopped by to see how the ACLU has stood up for racial justice, women's rights, free speech, religious freedom and more.

Beyond the Big Sky: ACLU At Work Across the Nation

Free Speech

The ACLU and the ACLU of Massachusetts filed a lawsuit in federal court on May 13 challenging the suspicionless search and seizure of electronics and personal data belonging to activist David House. The lawsuit charges that the government targeted House solely on the basis of his lawful association with the Bradley Manning Support Network when it seized House’s laptop, USB drive and camera, and proceeded to copy and possibly disseminate their contents. “Targeting people for searches and seizures based on their lawful associations is unconstitutional,” said Carol Rose, executive director of the ACLU of Massachusetts.

Marijuana Law Reform.....

The ACLU called on U.S. Attorney General Eric Holder to make clear that the Department of Justice (DOJ) will not prioritize prosecution of people who comply with state medical marijuana laws, in keeping with previous DOJ policy. In a May 9 letter, the ACLU expressed deep concern about recent letters from several U.S. attorneys from across the country that threaten people who comply with state medical marijuana laws, including state employees and state licensed providers of medical marijuana, with federal prosecution.

National Security

A batch of formerly secret documents made public by news outlets in April underscored the need for independent judicial review of the cases of men being held at Guantánamo. “These documents are remarkable because they show just how questionable the government’s basis has been for detaining hundreds of people, in some cases indefinitely, at Guantánamo,” said Hina Shamsi, Director of the ACLU National Security Project. “The one-sided assessments are rife with uncorroborated evidence, information obtained through torture, speculation, errors and allegations that have been proven false.”

Religion and Belief.....

The American Civil Liberties Union submitted testimony in March for Rep. Peter King’s congressional “radicalization” hearing, objecting to the House Homeland Security Committee’s scrutiny of the American Muslim community and its level of cooperation with government anti-terrorism efforts. The ACLU, along with more than 40 human rights and civil rights groups, sent a letter to Rep. King and his committee urging them not to conflate First Amendment-protected practices with involvement in terrorism. The letter also criticized the hearing’s false premise that the Muslim community and its leaders are uncooperative with law enforcement.

LGBT Rights

Hawaii Gov. Neil Abercrombie signed a bill in February legalizing civil unions for same-sex couples. The bill stops short of granting same-sex couples the freedom to marry, but grants committed same- and different-sex couples the rights, responsibilities, benefits and protections that Hawaii law provides to married couples. “With this historic action in Hawaii, we are closer to achieving the goal of fairness and dignity for all families,” said James Esseks, Director of the ACLU Lesbian, Gay, Bisexual and Transgender Project. “Across the nation, we are seeing steps toward providing committed couples with the security of knowing...their relationships are recognized in the eyes of the law.”



Why We Support the ACLU

Phil Hamilton & Janet Whaley of Missoula, Montana

We support the ACLU and the ACLU of Montana because of the crises we have seen in this country in regards to human rights and the erosion of the Constitution. In this country today, freedom is too often contingent upon one’s financial strength. Those in our culture without a voice are increasingly marginalized and are left without access to legal representation, medical care, and, in many cases, even shelter and food.

ACLU advocates for the powerless in a society that worships wealth and demonizes people who are without means. In times of hysteria, we need a voice of reason and justice to offset the reactionary trends of mass media and the black and white thinking that seems to rule political thought and inhibit thoughtful discourse in 21st century America. The ACLU is consistent in taking on that challenge and fighting those battles.



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Summer 2011

March with the ACLU at PRIDE 2011!



June 18 | Bozeman, Montana

9a.m. Diversity March Lineup
at East Main Street and South Wallace Avenue

10a.m. Diversity March
at East Main Street and South Wallace Avenue

Noon Festival
at the Emerson Center for Arts and Culture

Please march with ACLU staff, board and members and the wonderful plaintiff couples in our *Donaldson and Guggenheim v. State of Montana* domestic partnership case. Or visit our booth at the Festival at the Emerson. We'll have plenty of Fair is Fair schwag and lots of pride!

More information at www.aclumontana.org