

# ACLU *of* MONTANA

WINTER 2017

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Judy Hart, Board President

## PRESIDENT'S CORNER

It's 2017 and "we're ready!" As we emerge from what many of us would describe as a dismal conclusion to 2016 and plunge into 2017, the ACLU has incorporated these simple, yet powerful words, "we're ready," in many posts and updates addressing the ongoing work of ACLU National and affiliates across the country. Since the election, the ACLU has received an outpouring of support and new memberships have skyrocketed. Why? Because the wide-ranging civil liberties issues and challenges we are about to face underscores that there is no organization better equipped to uphold our country's constitutional principles.

Just days after the election, ACLU National Executive Director Anthony Romero hosted a tele-town call sharing ACLU's strategic road map as we prepare for a Trump presidency. He expressed that **"we're not a museum that can close a wing for the day; we must continue to pursue all our cases,"** reassuring words that the ACLU has been preparing for what will be challenges on all civil liberties fronts. Now, more than ever, my commitment to and trust in the work of the ACLU is resolute.

The ACLU of Montana Board and staff met for our quarterly meeting in early December in Bozeman. It provided a much welcomed opportunity to reflect, meet in solidarity, and move forward with our important work at the state level. We discussed the upcoming legislative agenda and priorities, both offensive and defensive work for the ACLU-MT in response to anticipated legislation, including criminal justice reform, immigration rights, LGBTQ rights, privacy and surveillance, voting rights, reproductive freedom and bodily autonomy, and the death penalty.

Work also continues on the ACLU-MT Strategic Plan and in December involved setting priorities for our criminal justice work. Now more than ever, a dynamic plan

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that we frequently re-evaluate in response to ever changing challenges will be an important topic of discussion at every Board meeting. In order to become more informed of the issues and better able to speak to them, the Board has scheduled time during each quarterly meeting to study and discuss a substantive civil liberties topic. Topics have included aid in dying, digital privacy, the criminalization of poverty, the ACLU-MT definition of consent under Montana's sexual assault laws, and trainings about transgender issues as well as diversity and implicit bias. The Board has also become more familiar with the concept of "integrated advocacy" that utilizes litigation, legislative and policy advocacy, and education to positively affect systemic change.

We hosted a meet and greet in Bozeman in December, featuring Professor Gilbert Kalonde (MSU) as the keynote speaker. Long-time ACLU members and supporters, new members, and those interested in learning more about the ACLU in wake of the election came out in force. It was a memorable evening of unity. Many attending asked what they can do to support our work. As a librarian by profession I've learned that grassroots advocacy has an incredibly effective impact, particularly in Montana. I encourage you to sign up for ACLU email alerts in order to stay informed and get involved. Simply visit [www.aclumontana.org](http://www.aclumontana.org) to sign up on the homepage. When you receive a plea, please take action and share widely. Many voices means effecting change.

With the new year comes a time of transition for two of our ACLU-MT Board members. After nine years of dedicated and passionate service to the board, both as past president and active member of the Finance & Audit and Development Committees, we bid farewell to Nancy Nicholson from Helena. My personal thanks for your mentorship, Nancy! We also said goodbye to Board member Larry Dillon from Billings. His service on Finance & Audit and expertise in the field of technology and privacy were invaluable. We are excited to welcome talented new Board members to fill these vacancies, as well as those Board members who have volunteered to serve another term.

In closing, I commend the work and commitment of our most capable and devoted Executive Director and staff for their unwavering work on behalf of civil liberties in Montana. In solidarity!







# SPEAKING FREELY

by Caitlin Borgmann, Executive Director

Many of us started the new year with a sense of disbelief, disillusionment, discouragement, or some of all three. The hateful rhetoric that accompanied the election season and that has continued after Donald Trump's election can make us feel as if civil liberties have been put on the back burner or even relegated to the trash heap. But while it is easy to lose hope, we need to remember what you – as ACLU supporters – already know.

Indeed, the ACLU was born amidst a time of egregious attacks on civil liberties, during the Red Scare following World War I. In the years following the war, many Americans feared that the Communist Revolution in Russia would spread to this country. In the 1919 - 1920 "Palmer Raids," Attorney General Mitchell Palmer rounded up and deported so-called radicals, arresting thousands without warrants and subjecting them to illegal searches and seizures. Those arrested were brutally treated. The newly formed ACLU fought Palmer's campaign of harassment and deportation, defended the right of free speech, and secured the release of hundreds of activists imprisoned for anti-war views and activities.

Nearly 100 years after the National

ACLU's founding, our reputation as the nation's foremost guardian of liberty is stronger than ever. For an organization that has existed this long, our continued relevance is extraordinary. Since the 2016 presidential election, membership in and support for the ACLU has exploded. Nearly 1,000 Montanans have made their first-ever gift to the ACLU since the election. Nationwide, we are now the biggest we have ever been with over 800,000 supporters (an increase from just below 500,000 before the election). Although the donation amounts are typically small, this surge in supporters will help expand our influence as we work hard to engage newcomers as activists and in helping to raise awareness of our social justice and civil liberties work.

Certainly, the election of Donald Trump raises grave concerns about civil liberties. The ACLU is fully prepared to respond to any attacks on immigrants, refugees, a woman's right to choose, and other rights and freedoms threatened by the new administration and Congress. But our work under a Trump administration will not be merely defensive. In particular, I remain optimistic about the strides we can make in Montana toward criminal justice reform and racial justice. One

ray of hope coming out of the election is evidence that a growing bipartisan consensus against this country's deplorable mass incarceration policies continues. In Oklahoma, a state that went strongly for Trump and that has the nation's second highest incarceration rate, voters passed two progressive criminal justice reform initiatives. These initiatives will reduce incarceration by reclassifying some drug and property offenses from felonies to misdemeanors and will divert the cost savings to evidence-based programs to treat drug addiction and mental health conditions and provide access to education and job training, which are more effective approaches to reducing crime and keeping communities safe.

afford criminal fines and fees, cannot afford bail, lack a job or home and so cannot prove they are not a flight risk, or end up violating parole because they don't have a car to get to their meetings with their parole officer.

In fighting the criminalization of poverty, we will be advocating for systemic changes that will meaningfully reduce incarceration rates among poor people. We know that up to 83% of people incarcerated in Montana are there because of violations of probation or parole. We will be analyzing the current system and proposing reforms that give people the tools to be successful members of the community, rather than simply throwing them behind bars, often

***Times like these are why the ACLU exists. If civil liberties were not under threat, all of us who work for or support the ACLU could happily move on to other endeavors. We understand, however, that “eternal vigilance is the price of liberty.”***

Criminal justice reform will be a top priority for the ACLU of Montana over the next four years. Despite the growing recognition that United States incarceration policies are expensive, ineffective, and inhumane, our national incarceration rates remain the highest in the world. The ACLU-MT Board of Directors voted in December 2016 to tackle over-incarceration in Montana by focusing on combating the “criminalization of poverty,” the phenomenon by which poor people disproportionately end up in criminal detention. Our criminal justice system puts people behind bars who cannot

condemning them to an endless cycle of poverty and incarceration. See page 13 for an example.

In short, we are discouraged by many of the attitudes and proposed policies of Donald Trump and his administration, but we are undaunted. We remain ready to fight against the culture of hate and intolerance that has proliferated during and since the election, we will continue to pursue our affirmative strategic priorities, including criminal justice reform and racial justice, and we will remain vigilant in protecting the full array of Montanans' civil liberties.





## DO THE FIRST AMENDMENT AND SOCIAL JUSTICE EXIST IN CONFLICT?

by SK Rossi,  
Director of Advocacy and Policy

Montana – and the U.S. – has been an interesting place for the First Amendment lately. “Nobody should be allowed to burn the American flag -- if they do, there must be consequences – perhaps loss of citizenship or year in jail,” tweeted the, then President-elect, ignoring the SCOTUS decision in *Texas v. Johnson* (1989) that specifically held the burning of the American flag is protected speech under the First Amendment. President Trump has also been very clear that he will come after his detractors, insulting our country’s 230 year history of the people protesting the actions of the government.

Here in Montana, things haven’t been easy for those of us who care about racial justice, religious freedom, and the right to free speech, expression, and assembly. On January 21st, thousands of people descended

on Helena for the “Women’s March on Montana” – an action meant to support human rights and dignity for all Montanans. But, 200 miles to the NW, a much different march was being planned. A Neo-Nazi group called upon their supporters to arm themselves and march on the town of Whitefish on Martin Luther King, Jr. Day. This move was meant to show displeasure with the Whitefish community at large and, specifically, a Rabbi and a Jewish real

estate agent who sought to help heal the wounds a white supremacist had inflicted on the town.

So where does the ACLU stand when it comes to this Neo-Nazi march on Whitefish? Do we stand on the side of racial justice and religious freedom and against the Neo-Nazis? Or do we stand on the side of First Amendment free speech protections? The answer is simple: we



stand on the side of both. The ACLU has a long history of fighting for racial justice and religious freedom. We have an unparalleled commitment to protecting the First Amendment even when we abhor the views, with a list of plaintiffs that includes the KKK, Rush Limbaugh, and the Westboro Baptist Church. It is tempting in times like this, when the President has espoused alarmingly racist and religiously bigoted views, to seek government intervention when a hate group rears its head in our communities. The Whitefish Chief of Police's recent comment, that if the Neo-Nazis don't march how he wants them to he would "kick their ass," is probably seen as laudable by many people at first blush. But it should concern you, as it does the ACLU.

Government suppression of one belief, no matter how ugly, will inevitably be a deterrent to expression of different beliefs in the future. If a sheriff intervened against Neo-Nazis and white supremacists, then what's to stop the next sheriff from stopping a Women's



Photo: Gary Marshall, BMGphotos.com

March on Montana? If we don't defend all speech, no matter how offensive, then all speech is threatened. Do the First Amendment and social justice exist in conflict? No. To the contrary, one couldn't survive without the other. The answer to hate speech, or any speech we find offensive, is not government intervention or suppression. The answer is more speech. The community of Whitefish is the embodiment of this concept; their peaceful counter-protests not only brought their community together, but illustrates the power of using the First Amendment to combat hateful views.

## What's the difference between being a "card-carrying member" of the ACLU and donating to the ACLU Foundation? Which does the ACLU prefer?

**Membership dues are not tax-deductible.** Membership dues and other donations to our 501c4 entity help fund our lobbying and legislative advocacy – activities that non-profit, 501c3 foundations can engage in only in limited ways. **Foundation gifts are tax-deductible.** These gifts support our legal program, educational activities, and much of our policy advocacy, which make up over 90% of our work.

For some supporters, also being a "card-carrying member" of the ACLU is incredibly important because it evokes a certain pride of belonging to an organization that has fought for equality, liberty, democracy, and freedom for nearly 100 years.

**To make a tax-deductible gift use the enclosed Foundation envelope or online at [www.aclumontana.org/donate](http://www.aclumontana.org/donate).**





## THE IRONY OF LAKE COUNTY'S DESIRE TO WITHDRAW FROM PUBLIC LAW 280

by Jim Taylor, Legal Director

On January 11, 2017, I testified before the Lake County Commissioners at a public hearing to consider withdrawing from Public Law 280 (PL 280), a federal law that allows Lake County to exercise felony criminal jurisdiction over tribal members on the Flathead Reservation. The tribal members Lake County is imprisoning are members of many tribes, citizens of Montana, and citizens of the United States. Lake County says that the cost of incarcerating these citizens on criminal charges places an unfair burden on the county because their tax base is decreased due to the amount of Lake County lands in federal trust status, which are exempt from county taxes. This issue was brought up by Lake County after the Confederated Salish and Kootenai Tribes exercised their legal right to reacquire what was called Kerr Dam and remove it from the county's tax base. First and foremost, Lake County does not have a tribal member problem; it has a drug problem. Lake County should focus its efforts on diversion and treatment of those with chemical dependency problems rather than on their tribal affiliation. A review of the complex history of this issue illustrates the irony of Lake County's current complaints and why Lake County

should think carefully before seeking to withdraw from PL 280.

The land at the center of the issue was land of the Bitterroot Salish, Kootenai, and the Pend d'Oreille. Under the Hellgate Treaty of 1855, these tribes (now called the Confederated Salish and Kootenai Tribes, or CSKT) ceded claims to more than millions of acres to the United States, maybe as much as 22 million acres, but reserved certain lands to themselves (this is where the term "reservation" comes from -- it means they were keeping or reserving land, not being granted land by the U.S.). The land reserved was the Flathead Reservation, comprising about 1.3 million acres, and was owned entirely by the CSKT.

If this land all belonged to the CSKT, how did Lake County come to have any taxable lands on the Flathead Reservation? The answer lies in a series of federal laws and actions that were designed to dismantle Indian ownership of their own lands.

In 1904, Congress enacted the Flathead Allotment Act. Pursuant to this Act, individual tribal members were allotted up to 160 acres of "suitable" lands. Of the Tribes' 1.3 million acres, only 245,000



were deemed "suitable" for tribal members. The other 1 million plus acres (including *all land* surrounding Flathead Lake) were opened to homesteading by non-Indians. Later, other lands were also taken for schools, wildlife preserves, and other uses, resulting in the CSKT losing as much as 60% of their land base.

Federal Indian policy has gone through numerous revisions. The timeframe from 1953 to 1968 was referred to as "Termination and Relocation." During this period, Congress actively worked to terminate tribes and tribal jurisdiction. One of the federal "termination" laws enacted was PL 280, allowing states to assert jurisdiction on reservations.

In 1961, under PL 280, Montana sought to exert civil and criminal jurisdiction over tribal members on the Flathead Reservation, and the Tribes agreed. The experience did not go well for the CSKT, and they sought to withdraw from State jurisdiction. This struggle lasted over 30 years, until 1994, when the State of Montana finally agreed to turn exclusive criminal jurisdiction over misdemeanor offenses back to the Tribes, a process called retrocession, which occurred when it was approved by the U.S. Department of Interior. Only "partial" retrocession occurred because the State kept felony jurisdiction over tribal members on the Flathead Reservation, rather than return felony jurisdiction the United States.

As part of the 1994 process, all the local governments on the Flathead Reservation, the State, and the CSKT entered into an operating agreement to delineate their respective authority to arrest and hold individuals, and obligations to turn arrestees over to the proper authority. Over the last 22

years, the operating agreement has worked well. But this is only an operating agreement between the parties, and *not retrocession itself*. For retrocession of felony jurisdiction to occur, the State of Montana and the CSKT both would have to agree, both would have to enact appropriate legislation, and finally, the Department of Interior would have to approve the process. Lake County does not have the power unilaterally to withdraw from PL 280.

This brings us to the present. Lake County, having sought and obtained criminal jurisdiction over tribal members, having fought the return of that jurisdiction to the Tribes and the federal government for more than thirty years, and - adding insult to injury - paying for the whole system with lands taken from the Tribes, now complains the costs are too high; they no longer have enough lands taken from the Tribes to pay for locking up as many tribal members as they need to. The irony of the claim is breathtaking. Rather than seek authority to place additional taxes on multi-million dollar homes on the shores of Flathead Lake, rather than look to the root causes of the over-incarceration of tribal members, rather than work to establish local treatment and diversion programs, Lake County would prefer to shift the costs to others. This is not an acceptable response from our leaders. We urge Lake County officials to obtain a better understanding of the historical context of the issues, to engage in consultation with the Tribes, and to act with vision by expanding diversion and treatment opportunities for all citizens of Lake County. Lake County doesn't have a tribal member problem, it has a drug problem.





# LITIGATING A CASE FOR 23 YEARS: WHY THE AMERICANS WITH DISABILITIES ACT MATTERS TO PRISONERS

by Jon Ellingson, Staff Attorney

The Americans with Disabilities (ADA) has been the law of the land since 1990. The Act prohibits discrimination against the disabled in employment, public services, public accommodations, and telecommunications. Since its adoption, the lives of the disabled members of our communities have improved in many important ways as the Act facilitated their fuller involvement in all aspects of community life. While the Act's focus is on the disabled, the lives of those who are not disabled have been immeasurably enhanced by the contributions of the disabled to our civic life.

Most of us are familiar with the ADA accommodations that we see every day. But many of us are not aware that the ADA also applies to the operation of our prisons.

A close reading of the law and an enlightened view of incarceration reveals the logic of applying the ADA to prisons. The ADA Amendments Act expressly states that the law "applies to all services, programs and activities provided or made available by public entities." While we don't usually think of prisons as providing "services, programs and activities," it only takes a moment's reflection to realize that these are

essential elements of any reasonable process of rehabilitation. Indeed, the Montana Constitution states that "reformation" shall be one of the guiding principles of our criminal justice policy. The myriad programs, services, and activities that are available at prison are essential to inmates' reformation and rehabilitation to prepare them to live constructive lives outside of prison. The ADA requires that these programs be equally available to the disabled.

The ACLU of Montana is litigating a case that will apply the standards of the ADA to the Montana State Prison in Deer Lodge. The ACLU brought this suit, the *Langford* case, in the early 1990s following riots at the prison. The case originally sought changes in many areas at the prison. By 1994, a settlement agreement resolved all of the issues except compliance with the ADA. It may seem hard to understand why, twenty-three years later, the ADA issues are still unresolved. I will spare you the lengthy explanation.

What is more interesting is the fact that over the last eighteen months, counsel for the state and counsel for the ACLU have addressed these issues with a renewed vigor. As a result, the

agonizingly slow pace of negotiation and resolution accelerated remarkably. The scope of the conditions that needed to be brought into compliance included things like whether ADA compliant tables were present in break rooms, dining rooms, libraries, and other locations throughout the prison; the height of drinking fountains; and the accessibility of toilets and sinks. There are scores of other specific circumstances throughout the twenty or more buildings that require a reasonable accommodation for disabled inmates. Each location had to be viewed, evaluated, and discussed before a remedy could be agreed upon. This process has been time consuming.

A different type of accommodation is required for inmates whose disability is caused by mental illness. They are not impeded from access to programs by physical barriers but by the behavioral problems their disability causes. Again, some examples illustrate the problems that these inmates face. What kind of special assistance should be given so

that a mentally disabled inmate can meaningfully participate in grievance and classification hearings or in educational and work programs? If a mentally ill patient is also violent, and a danger to other inmates, staff, and himself, is it consistent with the ADA to allow him to be placed in solitary confinement, knowing that his condition may deteriorate while there? If not, where should that inmate be housed?

These issues are more intractable than the "barrier" issues. Nevertheless, it is fair to say that we have recently made significant progress. We should be pleased that the ADA did not exclude prisons from its purview. Through compliance, our prisons will provide the services, programs, and activities to disabled inmates that will lead to productive lives once they leave the prison. This is good for them, it's good for the rest of us, and it is gratifying that the ACLU of Montana is an important part of this reform.



Photo: Bob Jogendorf / Wikimedia



# PHILANTHROPY



## DONOR PROFILE: SUSAN HEYNEMAN

by Kileen Marshall, Director of  
Philanthropy and Strategic Initiatives

Susan Heyneman and her late husband, Jack, have been ACLU supporters for three decades now. Originally from a ranch near Sheridan, Wyoming, Susan graduated from the local high school and went east for college. She returned west to Montana in the mid-60's and raised five sons with Jack in the shadow of the Absarokee Mountains. For over 50 years, Susan and Jack partnered in learning to run their ranch holistically with the management of natural resources above and below the ground as their main concern. Susan is particularly proud that the ranch is protected in perpetuity from development through an easement with The Montana Land Reliance. She still enjoys riding horses, reading, and walking around the hills looking at cows and grass.

### EARLIEST MEMORIES OF THE ACLU

Although she doesn't remember the specific moment she first learned of the ACLU, a commitment to social responsibility has been in her "oatmeal" since childhood. Susan recalls a lasting impact on her worldview as the late Reinhold Niebuhr whom she began reading and listening to during college. During WWII, Niebuhr was an esteemed theologian who turned from passivism

to develop the concept of "balance of power" as an effective path to social justice and who is still a vital voice for ethics in the western world. Susan remembers that when she did become aware of the ACLU, she generally knew it as an organization that was always there for the little guy, the underdog, and the powerless.

### PASSION

Susan feels most passionately about racial equality and reproductive justice. Having spent most of her life in rural Montana and Wyoming, she has always been aware of the injustices Native Americans face as the largest racial minority in the state. She appreciates the ACLU of Montana's new Racial Justice Project and collaborative approach that supports Native American communities seeking to address systemic civil liberties issues, in particular our work to support parents and communities to address the over-disciplining of Indian students compared to white students in schools across the state. On the reproductive justice front, Susan doesn't know a single woman who isn't terrified by what the new administration might bring to that issue. Having had a therapeutic abortion in the pre-Roe v. Wade era,





Susan is aware that her life would have been drastically different if she'd been born into a different family.

## PHILANTHROPY

Her parents raised Susan – and her four brothers – with a Protestant work ethic and a strong sense of stewardship to the land and their local community. Especially with the new presidential administration, Susan is sparked to action because, as she described it, “supporting organizations that give a voice to those who are weaker is the most effective way to create change in politics.” In addition to the ACLU, Susan proudly supports Planned Parenthood, institutions that teach critical thinking, and conservation.

## LEGACY

Susan feels gratified knowing that her five sons, daughters-in-law, and

grandchildren are continuing their family values of compassion for neighbors, respect for women, a good land ethic, and community leadership. She is honored to have passed on the legacy of generations before her to the generations who came after her.

## THANK YOU

Susan feels grateful to be able to contribute, but is more thankful to everyone else who contributes to the mission of the ACLU. Susan shared, “I know it takes members and supporters to contribute at all levels, activists and volunteers to roll up their sleeves, courageous clients to step forward and share their stories of injustice, and so many more people. Thank you for everything each of you does to make our communities more fair, equal, and just for everyone.”

# THE CRIMINALIZATION OF POVERTY: ONE MONTANAN'S EXPERIENCE

A young Native man, 20 years old, from one of Montana's reservations was arrested for a first-time offense of theft of stolen goods worth less than \$200. The crime was a misdemeanor. This young man, we'll call him Jason, had been homeless. Unaware of his appearance dates, he missed three of them. When the police found Jason on the street in Billings, they immediately arrested him and he was charged with felony contempt of court and held

on \$10,000 bond, which of course his family could not afford. While in jail, Jason was raped and was then placed in solitary confinement for his “protection.” Now out on probation, Jason is struggling to get to meetings with his probation officer because his family has no car. He is forced to seek rides from people or, failing that, to hitchhike to Billings. It goes without saying Jason's story would likely have been very different had Jason not been poor.



# COMMUNITY ORGANIZING



## MNI WICONI: ACLU OF MONTANA AND #NODAPL

by Meg Singer,  
Indigenous Justice Outreach Coordinator

Mni Wiconi means “Water is Life,” and it’s the reason thousands of people have gathered to stand in solidarity with the water protectors near the Standing Rock Reservation in Cannonball, ND. The protectors’ camps, Oceti Sakowin, Red Warrior, Rosebud, and Sacred Stone were erected as a direct response to the Energy Transfer Partners’ plans to construct an oil pipeline through the Missouri River—their primary water source.

The movement against the Dakota Access Pipeline or, on social media #NoDAPL, has been a Native-led, organized effort. Indigenous activists, lawyers, and media have taken to social media so make people aware of the civil rights violations happening under the watchful eye of the North Dakota Governor and the Morton County Police Department.

Although #NoDAPL is miles away in another state, Montanans feel very passionate in showing solidarity with them. Here are a few events that ACLU of Montana has been involved in:

In October, in partnership with The Montana Racial Equity Project based in Bozeman, we organized “Montana

Stands with Standing Rock,” an event at the Headwaters of the Missouri River. Indigenous leaders prayed and blessed the headwaters and Indigenous activists and community leaders emphasized that the responsibility of every Montanan is to protect the environment, Native cultures, and Native languages, and to offer support to our neighbors.

In November, we partnered with the Native American Race Relations + Healing Coalition based in Billings, Montana. Native activists, writers, and scholars presented information on #NoDAPL as well as condemning police brutality and calling for Montanans to uphold constitutional rights.



*Meg Singer, SK Rossi, and other  
legal observers.*

Finally, also in November, two staff members -Advocacy and Policy Director, SK Rossi, and Indigenous Justice Coordinator, Meg Singer- traveled to Cannonball, ND. It is the home of the Standing Rock Sioux, who are hosts to the Oceti Sakowin Camp. Rossi and Meg worked with staff from several other ACLU affiliates including South Dakota, North Dakota, Minnesota, and Wyoming. ACLU staff offered support as legal observers during peaceful marches on public land near Cannonball and Mandan, ND. ACLU-MT worked with

the Water Protector Legal Collective, formerly known as the Red Owl Legal Collective, in their efforts to gather information on civil rights violations.

#NoDAPL organizing has included rallies and marches in Helena, Missoula, Great Falls, Billings, and Bozeman. Montana continues to support the constitutional rights of the water protectors. For many in Montana, the issues closest to our hearts involve ensuring that Big Sky Country is a place of freedom and justice.



# ACLU-MT BOARD OF DIRECTORS ELECTION: WHO CAN VOTE

The ACLU of Montana bylaws call for a Board of Directors that is elected by our general membership. It is your non-tax-deductible membership dues payable to the ACLU, not donations to the ACLU of Montana Foundation, which make you eligible to vote. Only current ACLU members may vote.

Your mailing address for this newsletter indicates on the top line if you are a current member of the ACLU and eligible to vote. One of three options indicating your voting status will appear in your mailing label:

- "ID Number Vote": You are eligible to vote and your account ID is listed.
- "ID Number Joint Vote": You share a joint membership with another member in your household. Each member may vote using your shared account ID is listed twice.
- Only your address: You may either be a donor to the ACLU of Montana Foundation, and not a member of the ACLU, or your membership may not be current. If you would like to become a member or renew your membership so you are eligible to vote please visit [aclumontana.org](http://aclumontana.org) and click "Join." If you choose this option, email [aclu@aclumontana.org](mailto:aclu@aclumontana.org) to receive your voting ID.

**Visit [www.aclumontana.org](http://www.aclumontana.org) and click "2017 Board Elections" to cast your ballot.**

Each ID number may only be used once or twice for a joint membership. You will not be able to submit a ballot without an ID number.

If you would like a paper ballot please call 406-443-8590 x2. If you choose to vote via paper ballot it must be postmarked no later than Monday, February 27.

Voting on our website will allow for quick tabulation of the results and maintains the integrity of our board election process.

Online votes must be cast by 11:59 p.m. on Thursday, March 2.

This year five people are up for election. You may vote for as many nominees as you like.

If you have any questions about voting in the board election or your membership status, please contact the ACLU of Montana at [aclu@aclumontana.org](mailto:aclu@aclumontana.org) or 406-443-8590 x2.



# SLATE OF CANDIDATES

## VICKIE CHRISTIE (Billings)

Vickie was raised in Butte and on a ranch east of Hardin, she has a B.A. from the University of Montana, an M.A. from the University of New Mexico, and a Ph.D. from the University of Kansas, all degrees in communication. She taught at universities in the U.S. and abroad, concluding her teaching career at Rocky Mountain College. A six-month-long Fulbright teaching award brought Vickie and her family to Belarus, a communist country. That experience led her to develop a course on freedom of speech. Experience as a union organizer for college faculty in Alaska prompted her to develop a course focused upon why social movements succeed or fail.

Vickie believes that it is through public discourse that a just society forms, and it would be her honor to continue to serve on the ACLU board in order to promote justice.



## JUDY HART (Helena)

Judy has been a member of Board of Directors since 2010 and has served as Board President since 2015. Judy is the former Director of the Lewis & Clark Library in Helena. As a librarian, Judy is interested in the issues of privacy rights and intellectual freedom, particularly as we experience growing threats to our First and Fourth Amendment rights. Judy is extremely proud of the ACLU of Montana's continued efforts to address conditions in our Montana jails and prisons, LGBT rights, and work to abolish the death penalty. Judy says it has been a privilege to work with such an accomplished, professional staff and dedicated Board.



## DR. GILBERT KALONDE (Bozeman)

Dr. Gilbert Kalonde, who goes by Kalonde among his peers, is a tenure-track Assistant Professor of Technology Education in the department of education at Montana State University Bozeman. He is a former high school teacher and Human Resources Director. He is married with two children, a daughter who is 18 years old and a son who is 13 years old. Dr. Kalonde prides himself in fighting for equality and quality of life for everyone who deserves it, which is everyone. His pastimes include gardening, fishing, and enjoying the outdoors.



# SLATE OF CANDIDATES CONTINUED

## DAVID NIMICK (Helena)

David moved to Montana in the mid-1970s to work with AERO's New Western Energy Show, a chautauqua-type project that visited many Montana towns and schools in the mid-and late-1970s to promote renewable energy. Although officially retired, David maintains his long association with the U.S. Geological Survey as a volunteer scientist emeritus. His research explores the history of glaciation in Patagonia as well as the geochemistry of natural and anthropogenic contaminants found in streams and groundwater. Mentored over many years by several ACLU of Montana friends, David gradually, but convincingly, came to realize the fundamental importance of the ACLU and its mission to the U.S. and continuance of our democracy. With this background, he is excited and pleased to be helping this outstanding organization. He was appointed to fill a board vacancy in June 2016 and was appointed as Treasurer in September 2016.



## RACHEL WANDERSCHIED (Helena)

Rachel became involved with the ACLU in 2013 when she was a summer legal intern from the University of Montana, School of Law. She then became the law student representative to the Board of Directors. Rachel re-joined the board in 2015 after settling in Helena. Rachel spent the last two years working for the Montana Coalition Against Domestic & Sexual Violence on a legal project, where she provided civil legal services for survivors of sexual assault. In the fall of 2016, Rachel left that position to begin working as a public defender. Rachel is a supporter and board member for the ACLU of Montana because she believes there is no other organization that addresses so many important issues in such an effective way. Rachel hopes to continue to serve the organization in a second term.



## ON OUR READING (AND WATCHING) LIST

Here are some books and films recommended to us by our supporters and board members. These books and films address a wide array of civil liberties issues. We welcome your own recommendations: email us at [aclu@aclumontana.org](mailto:aclu@aclumontana.org).

### BOOKS

*Evicted: Poverty and Profit in the American City*, by Matthew Desmond

*Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law*, by David Cole (ACLU National Legal Director)

*The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander (former director of the Racial Justice Project for the ACLU of Northern California)

*El Narco: Inside Mexico's Criminal Insurgency*, by Ioan Grillo

*Let's Get Free: A Hip Hop Theory of Justice*, by Paul Butler

### FILMS

*The Conversation*, by Francis Ford Coppola

*13th*, by Ava DuVernay

*Tomgirl*, by Jeremy Asher Lynch

*The Lives of Others*, by Florian Henckel von Donnersmarck





## JEANNETTE RANKIN CIVIL LIBERTIES AWARD RECIPIENT: SHAHID HAQUE-HAUSRATH

by Sarah Howell, Board Member

Shahid Haque-Hausrath understands what it means to have a long game. As an immigration attorney with his own law firm in Helena, the Border Crossing Law Firm, Shahid often works with individual clients throughout a years-long process, perhaps starting with deportation proceedings or applications for visas and continuing on toward citizenship. Shahid has also spent hundreds of hours and many, many months shepherding cases through the Montana court system. His victories include seeing LR 121, an anti-immigrant referendum passed by voters in 2012, overturned in 2016. He also spent two years working on a class action lawsuit to challenge the use of racial profiling techniques by the Montana Highway Patrol, prevailing on that case in 2015.

For these reasons alone, Shahid is a worthy recipient of the 2017 Jeannette Rankin award. But Shahid's vision and commitment to social and racial justice extend beyond what can be captured here. Shahid has won asylum for over a dozen clients, including people affected by domestic violence. He has founded and continues to run the Montana

Immigrant Justice Alliance (MIJA), a statewide non-profit organization focused on immigrant justice issues. Shahid understands that the fight for immigrant rights and racial justice in Montana is one in which there are no easy or fast victories – and he is one of the state's biggest assets in this work.

Shahid attended the University of Southern Indiana as an undergraduate and received his Juris Doctor from the Chicago-Kent School of Law in 2005. He has served on the Helena International Affairs Council, was a recipient of the Neil Haight Pro Bono Award from the State Bar of Montana, and has taught immigration law at the University of Montana School of Law.

Any friend of Shahid's will have countless memories of his energy and perseverance, whether testifying in front of a hostile legislative committee with grace and grit, showing up to support any number of issues and organizations in Helena, or raising his two kids (Desmond and Coretta) and supporting his wife, Katherine Haque-Hausrath, who has served on the Helena City Commission.





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# Jeannette Rankin CIVIL LIBERTIES AWARD



## Jeannette Rankin Civil Liberties Award Reception Honoring Shahid Haque-Hausrath

Saturday, March 4<sup>th</sup> • Helena

6:00 p.m. - 8:00 p.m. at the Holter Museum of Art

For more details and to RSVP - [aclumontana.org/events](http://aclumontana.org/events)

Annual Meeting: 5:00 p.m. - 5:30 p.m. No RSVP needed.

*The Jeannette Rankin Civil Liberties Award acknowledges individuals and organizations who demonstrate the strength of character and commitment to principles exemplified by Jeannette Rankin - ACLU's first vice president in the 1920's - and embody the ACLU's mission and vision.*