



HUMAN RIGHTS NETWORK NEWS

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THE GOOD, THE BAD, AND THE UGLY: RECAPPING THE 2009 LEGISLATURE

Following last November's General Election, the country was buzzing about change. The vote shifted the political course of the country. It was a condemnation of an administration that had shown little respect for the democratic process or the US Constitution. The new course would be plotted by the country's first African-American president and an administration that won by organizing from the ground up.

While the celebration continued at the national level, the outlook for progressive change in Montana wasn't as rosy. Montanans did vote to provide health insurance to 30,000 kids in the state with a whopping 70% of the public vote. The Healthy Montana Kids Plan, which the Human Rights Network was an integral supporter of, passed in every county and every legislative district.

Citizens also elected Denise Juneau the Superintendent of Public Instruction, the highest office ever held by an American Indian in Montana's history. However, when it came to the Montana Legislature, it was clear progressive issues faced a long, tough battle when the 2009 Montana Legislature convened.

The House of Representatives was split 50-50 between Democrats and Republicans. This led to all House committees, and the chair of those committees, being split evenly between the two parties as well. Early on, the House GOP elected right-wing ideologues to party leadership positions, and they stated voters had given them a mandate to push their agenda. Republicans captured a 27-23 advantage in the Senate. This gave them majorities on all the Senate Committees.

The Human Rights Network is a multi-issue organization that lobbied for and against lots of bills during 2009 legislative session. This double edition of *Network News* focuses on a few of these issue areas. The Network, with the help of its allies and energized membership, did secure some victories during a hard-fought session. We would like to thank all of our members who came to the

Capitol to testify, placed phone calls to their legislators, and wrote e-mails weighing in on bills. □



A positive result from the 2008 General Election in Montana was voters passing the Healthy Montana Kids Plan with 70% of the public vote. The Plan provides health insurance for 30,000 uninsured Montana youth.

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profit organization.
Editor: Travis McAdam
Contributor: Kim
Abbott.*

THE FIGHT FOR OUR HUMAN RIGHT TO HEALTHCARE

Voters approved the Healthy Montana Kids Plan (I-155) by an overwhelming margin in November 2008. The initiative passed in every district, in every county, and with 70% of the overall popular vote. It became the law of the land as soon as it passed.

Network staff and volunteers worked tirelessly on this policy, gathering over 13,000 signatures and talking to thousands of Montanans about the right to healthcare and the good that public healthcare programs do for our communities. When the Plan was glowingly endorsed by voters in November, Network staff began to look at ways to build on this broad expansion of public programs in Montana and take our message of healthcare as a right to the federal debate over reform.

Not so fast. A citizens' initiative can create law, but it cannot appropriate money. The Network and allies knew that the legislature would have to be kept honest, and that advocates would have to watch the budget process closely to make sure that the Plan was fully funded.

What was not foreseen was a partisan debacle where many Republicans put anti-government ideology ahead of the health of Montana communities and the clear will of the voters who elected them.

In a stunning disregard for the democratic initiative process, Republicans threatened funding for the Plan at every turn. A majority of Republicans in both the House and the Senate stated publicly and repeatedly that voters did not know what they were voting for and/or the Plan was a step towards "socialism." They threatened to withhold funding for the pro-

gram.

Before the session started, Rep. Gary MacLaren (R-Victor) requested legislation be drafted to repeal the entire Healthy Montana Kids Plan. He didn't introduce the bill, but his party colleagues kept this hope alive the entire session.

Funding for the Plan was part of House Bill 2, the state's main bud-

nance and Claims, which featured a Republican majority. Led by Republican Senators Keith Bales (R-Otter) and Dave Lewis (R-Helena), the committee cut spending for the Plan and deleted the special revenue account which voters had approved. Republicans reduced the number of potential children the Plan would cover by half, from 30,000 to 15,000.



The Human Rights Network and allies staged a sit-in to protest the Senate Finance Committee's decision to cut funding for the Healthy Montana Kids Plan.

get bill. The House Appropriations Committee passed HB 2 on to the full House with a bipartisan vote of 18-2. Healthy Montana Kids was fully funded.

On the House floor, Assistant Minority Leader Rep. Tom McGillvray (R-Billings) sponsored an amendment to remove funding for the Plan from HB 2. "It [I-155] was about socializing medicine," he warned. His amendment failed 33-65, and HB 2 eventually passed the House 65-35 with full funding for the Healthy Montana Kids Plan.

The bill then went to Senate Fi-

When this amended version of HB 2 hit the Senate floor, Senate Minority Leader Sen. Carol Williams (D-Missoula) proposed an amendment to restore funding for the plan. Her amendment failed 24-26, with Sen. John Brueggeman (R-Polson) voting with all Democrats in favor of it. The Republicans managed to push their amended HB 2 out of the Senate on a 26-24 vote.

The House rejected the changes the Senate made. Since that set up two competing budget bills, HB 2 was sent to a conference committee (*Healthy Kids, cont. on page 3*)

(Healthy Kids, from page 2)

to try and iron out a proposal that majorities of both chambers could support.

The final adopted budget did fully fund the Healthy Montana Kids Plan, as 70% of Montana voters had wanted all along. The length and ferocity of the fight was a necessary reminder of how anti-government and pro-corporate ideologies are serious threats to programs that promote the public good, protect people's rights, and offer a safer and healthier society.

The Network and several allies, including Montana's Children's Defense Fund, Working for Equality and Economic Liberation, and Montana Women Vote, were critical to getting the Plan funded.

Throughout the process, Network members mobilized and took action. They wrote e-mails to legislators, participated in rallies at the Capitol, and took direct action by holding a brief but powerful sit-in on the Senate Finance and Claims Committee. Donning T-shirts that read "I represent 15,000 Healthy Montana Kids Voters, Fully Fund I-155," Network supporters took up space in, and got the attention of, committee members.

Holding US Senator Max Baucus Accountable

The Network has continued its work organizing for the recognition, protection, and fulfillment of the right to healthcare in this state and the country. This summer and fall, the debate over federal healthcare reform will be intense. Montana's senior US Senator, Max Baucus, is the chairman of the Senate Finance Committee. His position makes him one of the most powerful elected officials involved in healthcare reform. His position also makes Montanans an incredibly important part of the federal debate.

Montanans who believe in the human right to healthcare must engage in the federal healthcare debate. Corporate profits, anti-government ideology, and political contributions from the health and insurance sectors to lawmakers are barriers to healthcare reform that meets basic human rights principles.

The Network believes that any healthcare reform



US Sen. Max Baucus (D-MT) is facing pressure from constituents in Montana to put establishing a Single-Payer System back on the table when it comes to healthcare reform.

legislation must meet five principles: universality, affordability, equity, comprehensiveness, and accountability. Currently, the only existing proposals that meet these standards are two single-payer bills, HR 676 sponsored by US Rep. John Conyers (D-MI) and S 703 sponsored by US Sen. Bernie Sanders (I-VT).

The Network officially endorsed the two single-payer bills in May 2009 and began organizing members and volunteers to contact Sen. Baucus, write letters to the editor, attend a series of "Listening Sessions" with Sen. Baucus' staff, and support a single-payer solution to the healthcare crisis in this country.

On June 5, 2009, the Network helped Montanans for Single-Payer organize rallies promoting single payer outside Sen. Baucus' field offices in six Montana cities. These rallies drew hundreds of people holding signs that said, among other things, "Healthcare is a human right!"

Momentum is building to reform what former Montana US Rep. Pat Williams calls our "obsolete, broken health insurance model." Healthcare can no longer be treated as a commodity that is available to those who can afford to buy it and withheld from those who cannot buy it.

The time has come for this country to recognize that healthcare is a human right that must be available to everyone. Network staff, members and volunteers will spend the summer and fall calling, writing, and protesting with one message for elected officials – protect our rights, universal means everyone in and no one left out. □

VOTERS AHEAD OF LAWMAKERS ON GAY RIGHTS: EQUALITY BILLS FACED TOUGH SESSION

As it has for over a decade, the Human Rights Network led the charge for equal rights and protection under the law for Montana's gay and lesbian community during the 2009 legislature.

The fate of most of the bills came down to party-line votes in committees. This wasn't too surprising, as the Montana Democratic and Republican parties have diametrically opposed views in their platforms.

The Montana Democratic Party platform states:

"We must ensure all Montanans are free from harassment and discrimination, and are treated equally before the law, regardless of race, gender, religion, age, sexual orientation, language, national origin, physical or mental ability, or marital status."

Meanwhile, the Montana Republican Party has short statement in its platform reading, "We support the clear will of the people of Montana expressed by legislation to keep homosexual acts illegal."

Opponents to gay rights actually go against the beliefs of most Montanans. In 2008, the Human Rights Network commissioned a scientific poll to measure Montanans' views on equality. The results overwhelmingly opposed discrimination. The poll found 91% of Montanans opposed harassment of or threats toward people based on their sexual orientation. Also, 83% said gays and

lesbians deserve the same legal protections that other Montanans have. Interestingly, 41% feared the agenda of Religious Right groups, while only 23% feared the gay agenda.

Boy Scouts, Religious Right Defeat Rights Act

Majority Floor Leader Rep. Margaret Campbell (D-Poplar) sponsored House Bill 252, which sought to include sexual orientation, gender identity, and gender expression in the Montana Human Rights Act.

The Human Rights Act is the bedrock civil rights law in Montana. It forbids discrimination in employment, public accommodations, housing, financial transactions, education, and government services. It already protects people from discrimination based on characteristics including race, religion, gender, age, and others.

During her opening statement to the House Judiciary Committee, Campbell said the Montana Constitution guarantees rights and equality under the law. She said HB 252 was a mechanism for implementing that promise. She also reminded the committee that Montana has a tradition of protecting minorities to ensure their safety and participation in society.

The House Judiciary Committee heard from numerous supporters of HB 252. They included gay rights organizations, parents of gay and lesbian children, clergy members, college students, trial lawyers, pro-choice groups, disability rights ad-

vocates, and the statewide coalition against domestic and sexual violence. Those giving testimony talked about their firsthand experience with being, and that of friends who had been, fired from jobs because of their sexual orientation. Another supporter said he had dealt with businesses that decided not to relocate to Montana, because there was no legal recourse for their gay and lesbian employees.

Rev. Bill Warren, a Methodist minister and chairman of his local Republican Central Committee, discussed his personal transformation into supporting equal rights and protection under the law for the gay and lesbian community. He lamented that too many people have been taught to "fear and chastise" people who are different.

Those opposing HB 252 came from various Religious Right groups—the Montana Family Foundation, Montana Citizens for Decency Through Law (MCDL), and the Big Sky Christian Center. MCDL's Dallas Erickson said the bill would forbid keeping "penises out of bathrooms meant for vaginas."

Jeanette Zentgraff claimed the bill "discriminates against the Bible." Rep. Michael More (R-Gallatin Gateway) also opposed the bill, saying it violated "God's Law."

Members of the Boy Scouts of America testified against HB 252. An Eagle Scout from Stevensville said it would force the Scouts to hire "homosexuals" if they wanted to use public buildings or public lands for service projects. Other Boy Scouts echoed these concerns. These arguments were based on scare tactics from Religious Right, and ig-

(Equality, cont. on page 5)

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nored established law.

In 2000, the US Supreme Court ruled that the Boy Scouts were not a public organization, and they could discriminate based on sexual orientation and religion. Additionally, the First Amendment guarantees that private groups have the right to freedom of speech and to freedom of assembly.

Also, at hearings on similar bills during previous sessions, employees from the Montana Department of Labor (which enforces the Human Rights Act) testified that the Human Rights Act does not apply to the Boy Scouts based on the 2000 US Supreme Court ruling.

Despite the strong and fact-based testimony from supporters, the motion to pass HB 252 out of the House Judiciary Committee failed on a 9-9 party line vote. The Network's poll found that 55% of respondents supported passing similar legislation.

Senate Judiciary Ignores Pleas of Hate Crimes' Victims

Sen. Carol Juneau (D-Browning) sponsored Senate Bill 223 which would have added sexual orientation, gender expression, and disability to the Malicious Intimidation or Harassment Act, Montana's hate crimes law. The bill also replaced the current penalty enhancement in law with participation in a restorative justice program.

The Senate Judiciary Committee heard the very personal testimony of Randall Cochran. A resident of Colorado, Cochran came to Miles City in August 2007 for business. While in town, he was attacked by two men who screamed anti-gay slurs while they knocked him to the ground and kicked him in the head.

He told the committee that, if bystanders hadn't intervened, he would be dead. He urged the committee to pass the bill to send the message that physical violence would not be tolerated in Montana.

In addition to Cochran's story, testimony from a hate crime victim in Missoula was also read to the committee. A Great Falls reverend also told how her church, which serves the gay and lesbian community, has been vandalized.

yond the individual victim. It sends a message to the victim and members of the targeted group that they are not welcome in the community.

As with the Human Rights Act bill, opposition to SB 223 predominately came from the Religious Right.

Patty Kanduch of Concerned Women for America stated the bill protected people who engaged in "dangerous sexual acts." She claimed SB 223 would lead to "homosexual indoctrination" in schools

Sponsors of Equality Bills



Rep. Margaret Campbell
(D-Poplar)



Sen. Carol Juneau
(D-Browning)



Rep. Franke Wilmer
(D-Bozeman)

Linda Gryczan, representing the Network's Equality Project, explained to the committee why the penalty enhancement was being replaced with restorative justice. During the restorative justice process, offenders have to take responsibility for their actions. They learn how to see how the community was impacted by their actions. That option, Gryczan explained, was better than just leaving a person in prison so they can learn to hate more.

Numerous supporters of SB 223 elaborated on the difference between a hate crime and other crimes. The impact of a hate crime extends be-

and would criminalize Christianity.

Big Sky Christian Center's Harris Himes said he teaches God's Word and this bill made him a "potential prison inmate" if passed.

During the hearing, Sen. Juneau made it clear that SB 223 would not silence right-wing activists. She said the examples of anti-gay Christians being penalized by the law that are frequently mentioned come from countries that have nothing like America's First Amendment.

Despite testimony showing the need for amending the current law, the Senate Judiciary Committee

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(Equality, from page 5)

tabled SB 223 on a 7-5 party-line vote. The Network's poll found that 70% of Montanans supported passing similar legislation.

Fear of Gay Marriage Trumps Domestic Partnerships

Rep. Franke Wilmer (D-Bozeman) sponsored House Bill 590, which sought creation of a domestic partnership registry to be administered by the Department of Public Health and Human Services.

The bill allowed couples in committed relationships to access many of the legal rights and social benefits that married heterosexual couples take for granted—transfer of property, health insurance, emergency medical decisions, laws relating to taxes, etc.

During her opening on the bill before the House State Administration Committee, Wilmer said she thought everyone hopes to find love and compassion. She said there are many couples who live together and share everything. However, 10% of these couples are denied legal recognition.

Often, she stated, it is same-sex couples whose relationships aren't recognized. However, she reminded committee members that it can also be widows and widowers, who sometimes are penalized financially if they marry again.

HB 590 supporters included an attorney who had worked with elderly couples that would benefit from the bill's provisions. Similarly, Scott Crichton of the ACLU of Montana told committee members they should recognize this bill has benefits for the "graying of Montana."

Crichton also addressed concerns he knew would be voiced by the Religious Right. He said the bill dealt with state law and consenting adults. Nothing in it would force religions to acknowledge domestic partnerships. Crichton told the Religious Right groups in the room that HB 590 was "not a threat to you." Instead, it was about state law and distributing benefits.

Opposition again came from the Religious Right. The Montana Family Foundation's Jeff Laszloffy warned the committee that HB 590 was a back-door attempt at establishing gay marriage. He said Montanans had already voted against this issue by passing a constitu-

tional ban on gay marriage in 2004.

Likewise, Montana Citizens for Decency Through Law's Dallas Erickson said the bill was a "gay marriage bill with a different name." The focus of Erickson's remarks centered on his dislike of the notion that love was a basis for marriage. He said, traditionally, marriage was about creating children. Since procreation was the reason for marriage, Erickson said same-sex couples should not be allowed to marry. Also, he said same-sex relationships were "romantic obsessions" based only on "genital stimulation."

During her closing remarks to the committee, Wilmer told the committee that, when we deny legal rights to committed relationships, we "deny humanity" to certain people. She acknowledged that the majority of 2004 voters did pass the ban on gay marriage. However, she



Jeff Laszloffy and his Montana Family Foundation were one of the main Religious Right groups lobbying against equal rights for Montana's gay and lesbian community.

noted the Network's equality poll found that 53% of Montanans supported creating domestic partnerships.

The State House Administration Committee failed to pass HB 590 on a deadlocked, party-line vote of 9-9. A blast motion to bring the bill to the House floor for second reading failed on a 46-54 vote.

Republican Rep. Brian Hoven (R-Great Falls) voted against fellow Republicans and supported the blast motion. Five Democrats voted against their party and opposed the blast—Reps. Paul Beck (Red Lodge), Jill Cohenour (East Helena), John Fleming (St. Ignatius), Dennis Getz (Glendive) and Kendall Van Dyk (Billings).

Religious Right and Republicans: Emancipation of Slaves Front for "Alternative Lifestyles"

Occasionally, a bill comes along that seems to be a
(Equality, cont. on page 14)

NETWORK AND ALLIES DEFEAT 11 ANTI-IMMIGRANT BILLS

Anti-Immigrant Legislation

Rep. Ed Butcher (R-Winifred)

- HB 633 – Require testing in English for professional and driver's licenses. Failed in the House Business and Labor Committee / Failed blast motion on House floor.



Rep. David Howard (R-Park City)

- HB 496 – Prohibit employment and ID cards for unauthorized aliens. Tabled by the House Business and Labor Committee.
- HB 554 – Verify alien status of prisoners. Tabled by the House Judiciary Committee.
- HB 587 – Prohibit illegal aliens from securing professional or occupational licenses. Tabled by the House Business and Labor Committee.

Rep. Gary MacLaren (R-Victor)

- HB 556 – Require verification of work authorization status. Failed in the House State Administration Committee / Failed blast motion on House floor.



Sen. Gary Perry (R-Manhattan)

- SB 377 – Prohibit business expense deduction for unauthorized aliens. Passed Senate / Failed in the House Taxation Committee.
- SB 378 – Limit work comp awards for unauthorized aliens. Not heard at Sen. Perry's request before the Senate Business and Labor Committee.
- SB 379 – Create offenses concerning illegal aliens. Passed Senate / Tabled by the House

Judiciary Committee.



Sen. Jim Shockley (R-Victor)

- SB 380 – Prohibit vehicle registration for unauthorized aliens. Failed in the Senate Judiciary Committee.
- SB 381 – Direct Justice Department to enter MOU on enforcement of alien laws. Passed Senate / Tabled by the House Judiciary Committee.
- SB 382 – Prohibit non-cooperation practices concerning illegal aliens. Passed Senate / Died in the House Judiciary Committee.

For the second consecutive legislative session, Montana saw an array of anti-immigrant measures introduced. During the 2009 session, 11 separate bills were introduced.

The Network with the help of a coalition of important allies, including the ACLU, Service Employees International Union 775, and the Montana Coalition Against Domestic and Sexual Violence, defeated all 11 bills.

The topics of the anti-immigrant bills ranged from mandating local law enforcement agencies to enforce federal immigration laws, to punishing Montanans who aid undocumented immigrants with fines and jail time. Though the topics varied, what all these bills had in common were themes of mobilizing fear and resentment in Montana communities, using language with racist underpinnings, and punishing members of the immigrant community whether documented or undocumented.

The Network has been involved in education and advocacy around immigration issues for the past four years. Network staff and volunteers have gone to communities around the state to spread the message that human rights do not begin or end at a border, and that immigration is a Montana experience and acceptance is a Montana value.

The Network's efforts have continued to pay off when it comes to regressive and punitive legislation at the Montana Capitol. The Network's coalition of groups and individuals who support efforts to promote the human dignity and fair treatment of immigrants continues to grow, and anti-immigrant legislation has failed

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to become law.

This session, all the anti-immigrant bills were inspired by, or taken directly from, model legislation put out by one of the nation's most notorious anti-immigrant groups, the Federation for American Immigration Reform (FAIR).

According to the Center for New Community (CNC), FAIR has been the public face of the anti-immigrant movement for 30 years. The fact that Montana lawmakers would sponsor bills written by FAIR is troubling. The CNC reports that, over its history, FAIR has received significant financial support from a notoriously racist foundation called the Pioneer Fund.

Although FAIR attempts to portray itself as a "mainstream" organization, it regularly engages in outright xenophobia and promotes arguments against immigration that play on people's fears and prejudices. The Southern Poverty Law Center categorizes FAIR as a hate group.

FAIR's founder, John Tanton, has used explicitly racist arguments about whites losing power and control over their lives, because immigrants are more "fertile" than whites. He suggests that there could be an "explosion" if the trend continues.

With knowledge of FAIR's history, it is no surprise that the 11 anti-immigrant bills that were introduced in 2009 included policies that would lead to racial profiling by state agencies, law enforcement, and private businesses. These bills also brought out proponents with connections to racist and militia groups.

At multiple hearings on anti-immigrant bills, Paul Nachman identified himself as a "refugee from California" now living in Bozeman. He

is also an Affiliate Research Professor in the Physics Department at Montana State University-Bozeman. He posts his anti-immigrant commentaries on a website for the group V-DARE. It is named for Virginia Dare, supposedly the first white child born in the new world in 1587. The group is categorized as a hate group by the Southern Poverty Law Center.

Also frequently appearing in sup-



Photo from MSU website

Paul Nachman

port of anti-immigrant bill was Bozeman's Kelly Wood. He identified himself as a member of the Minuteman Civil Defense Corps, a national border militia group. The group has conducted citizen patrols of the US-Mexican border which have drawn participation from white supremacist groups.

Wood is also the registered agent for Montanans for Immigration Law Enforcement, an anti-immigrant group based in Bozeman. The group's website features a few Nachman columns.

Three bills (SB 379, SB 381, and SB 382) would have forced local law enforcement agencies to prioritize enforcing federal immigration laws. Nationally, law enforcement officials, including the Major Cities Chiefs As-

sociation, have taken positions against local enforcement of federal laws, while calling on the federal government to reform the United States' broken immigration system.

These local enforcement measures, which have been attempted in other states and localities, have chilling results for communities. One effect of this type of legislation is that people are treated with increased suspicion based on their race or ethnicity. This has resulted in civil litigation, but even more troubling, it has resulted in a loss of trust between communities of color and the law enforcement that is charged with protecting them. Law enforcement has found that people of color in localities with these policies are less likely to report crimes that are perpetrated against them, and less likely to come forward when they have witnessed a crime.

Other bills during the 2009 session would have required English tests to obtain various licenses, while another criminalized Montanans who offer undocumented immigrants food or shelter.

The policies promoted by the sponsors and proponents of anti-immigrant legislation were regressive and punitive, but the rhetoric was damaging on its own. It demonized the immigrant community in Montana, specifically immigrants of color from South and Central America. "Illegal alien" was the descriptor of choice by most proponents of the legislation.

The Network and allies testified that "illegal alien" is not only degrading but also inaccurate. The term is not defined anywhere within US Code. A human can break the law, but a human cannot be "illegal."

(Immigration, cont. page 14)

MOMENTUM FOR DEATH-PENALTY ABOLITION CONTINUES

The Montana Human Rights Network has been actively advocating for ending the death penalty in the state for years. It ramped up efforts beginning in the spring of 2008 as part of the Montana Abolition Coalition. The Coalition worked to build public awareness and support for abolishing capital punishment with an eye towards passing legislation during the 2009 Montana Legislature. During the session, the Coalition worked hard supporting Senate Bill 236, sponsored by Sen. Dave Wanzenried (D-Missoula), which replaced the death penalty with life in prison without parole.

SB 236 had an impressive hearing before the Senate Judiciary Committee. Ray Krone, a death-row exonoree from Arizona, and retired Florida State Prison Warden Ron McAndrew testified before the committee. Their experiences highlighted the fallibility of the system and the collateral damage the death penalty has on corrections staff and families.

The committee also heard from numerous faith communities, family members of murder victims, a retired Montana Supreme Court justice, disability rights activists, legislators, and people who currently work inside Montana's prison system. The message was clear that supporters of the bill found no moral basis for the death penalty and that the capital punishment system is broken and cannot be fixed.

The bill was opposed by numerous Religious Right groups. Jeff Laszloffy of the Montana Family Foundation listed off incidents where prisoners had killed other inmates or prison personnel while incarcerated. He said life in prison was not a deterrent for inmates already locked up. He failed to note that all of the incidents he mentioned happened with the death penalty on the books. Similarly, Gilda Clancy from Montana Eagle Forum claimed capital punishment was a deterrent. The Big Sky Christian Center's Harris Himes gave extended remarks concerning his belief that the Bible justified use of the death penalty, during which he stated the Bible also was anti-gay and anti-choice. Finally, Mike Kecskes from the Tree of Life Foundation stated, "God ordained it [death penalty] to protect innocent human life."

The Senate Judiciary Committee passed SB 236 onto the Senate floor, with Republican Senators Gary Perry (Manhattan) and Jim Shockley (Victor) voting with the Democrats on the committee. The bill made it out of

Bucking the Party Line: The Senate Vote

Senate Bill 236 passed the Senate by a vote of 27-23. Some Senators on both sides of the aisle voted against the majority of their party peers.

The following Republicans voted to abolish the death penalty:

Roy Brown (R-Billings)
Taylor Brown (R-Huntley)
Gary Perry (Manhattan)
Jim Shockley (Victor)
Donald Steinbeisser (Sidney)
Ryan Zinke (Whitefish)

The following Democrats voted against abolishing the death penalty:

Ken "Kim" Hansen (Harlem)
Jesse Laslovich (Anaconda)

the Senate for the second session in a row. The 27-23 vote found a few senators casting votes that went against those of the majority of their party peers (see inset box).

In the House of Representatives, the bill faced a difficult Judiciary Committee and a potentially difficult House floor that was split 50-50 between the two parties. Again, the committee hearing was well organized and included support from the American Indian Caucus and testimony by members of Montana's Indian community.

Carolyn Madplume, of Heart Butte, testified with the support of the Salish Kootenai Tribal Council about the murder of her daughter and her subsequent journey through a system that spent more time and money on the perpetrator than on supporting and informing her and her family.

Michael DesRosier, a Glacier County Commissioner,
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shared his story of the battle to protect his son from a capital charge for accidentally hitting an intoxicated man walking in the middle of the highway at night on the reservation.

His son had cooperated with the FBI and Montana law enforcement after the incident. The US Attorney's Office told his son he was free to go to France for work when charges hadn't been pressed months later. While in France, a jurisdictional fight ensued over his case, and the FBI attempted to have him extradited to potentially face a federal death sentence.

The French government refused to extradite him until the death penalty was taken off the table. After a long battle, the US agreed and DesRosier's son eventually received a greatly reduced sentence and has returned to his life and family.

House Republican leadership was dominated by right-wing GOP lawmakers during the 2009 session (see the December 2008 edition of *Network News* for more information). The leadership helped make sure most of the Republicans on House Judiciary were fellow right-wing ideologues. GOP committee members followed their party's leadership and the wishes of Religious Right groups including the Montana Family Foundation, Montana Citizens for Decency Through Law when it came to SB 236.



*Rep. Michael More
(R-Gallatin Gateway)*

The committee was split evenly between Democrats and Republicans. During executive action on SB 236, Rep. Michael More (R-Gallatin Gateway) gave religious-based remarks on why he would be voting against the bill. He even used part of a quote by the Pope, even though the Catholic Church stridently opposes the death penalty, to justify his vote.

Rep. Wendy Warburton (R-Havre), who graduated from Jerry Falwell's Liberty University, could be seen rolling her eyes when a Democrat on the committee used a faith argument to support of SB 236. The motion to pass the bill on to the House floor failed 8-10, with Rep. Arlene Becker (D-Billings) siding with the Republicans.



*Rep. Wendy Warburton
(R-Havre)*

Despite the bill stalling in the House, the Network and the Abolition Coalition had numerous victories. The hearings in both chambers were excellent. Also, there was more educated and mobilized grassroots support for the bill than during previous sessions.

"Our victory is that we can see a change in how the people of Montana are thinking about the death penalty," said Network member Jana Stratton of Missoula. "Now they know about the risk of executing an innocent person. They have met murder-victim family members and learned that many don't find 'closure' in an execution, and that the death sentence is disproportionately applied to the poor and people of color. We may not have passed the bill this time, but we have a statewide, community-based movement that is already working on making sure that by 2011 state-sanctioned killing will come to an end."

The Montana Abolition Coalition, with the Network as a member, are continuing the fight to end the death penalty. Keeping momentum is important, the Network is looking for members interested in sustaining it by showing a film, passing a resolution at their club or church, or writing a letter. For more information, please contact Rachel at the Network, 406-442-5506. □

THE POSSE AND THE DEATH PENALTY: MURDER-VICTIM FAMILY MEMBER SPEAKS OUT

Mimi Kelle spent two days at the Montana Legislature talking to representatives about her support for abolishing the death penalty (see related article on page 9). Kelle is a murder-victim family member, and her personal story is directly connected to hate groups.

While she maintains that her brother's murderer shouldn't be killed by the state, Kelle does feel that, for her safety and the safety of the community, the killer should spend his life in prison.

In 1985, the body of Kelle's brother, James Thimm, was discovered by Nebraska authorities in a muddy grave. His killer was Michael Ryan, a truck driver and follower of Christian Identity. Identity is based on a racist interpretation of the Bible that teaches Jews are the literal children of Satan and that people of color are sub-human "mud people."

Ryan was a follower of James Wickstrom. In the mid 1970s, Wickstrom had joined a militant anti-government militia that promoted armed insurrection, the Posse Comitatus, and become active in an Identity church in Missouri. In 1979, Wickstrom took the title National Director for Counterinsurgency.

He spent the next few years crisscrossing the Midwest meeting with those suffering through the farm crisis and promoting Christian

Identity and the Posse Comitatus as a solution to staving off farm foreclosures.

Michael Ryan was a high school dropout who first attended a "bible study seminar/ecological seminar to clean up this land" in Weskan, Kansas, in March 1982. At this paramilitary training, Ryan met



James Wickstrom

From James Wickstrom's website

Wickstrom and quickly became his main contact in Kansas.

Ryan had a few run-ins with the law prior to murdering James Thimm in 1985. He had attempted to obtain weapons from the Kansas National Guard and was a suspect in a weapons theft from a small department store.

After a year of watching Wickstrom's videos and attending more survival seminars, Ryan formed his own Identity group that started preparing for Armageddon. As part of this preparation, Ryan gave his 15-

year-old son, Dennis, an AR-15 to use for "the war against the Jews."

The family began to become outsiders in their small town, so they moved to a farm in Rulo, Nebraska, in 1984. The farm was operated by Rick Stice, and, for the next year, it housed about 21 people in three dilapidated homes and a hog shed.

Ryan readily convinced the group that he spoke directly to God, and he preached anti-Semitic conspiracy theories. Ryan lured people in with his Posse explanations for the farm crisis and then convinced them of Identity teachings.

Family members of Ryan's followers tried to convince the FBI and local authorities that paramilitary activity in Rulo was a serious threat, but they were ignored. Mimi Kelle was one of those concerned family members.

"Jim [her brother] wanted to do more for the farmers in trouble during the 1980's farm crisis. Food drives for the community food bank did not seem enough to offset the losses he saw," Kelle wrote in an opinion piece in the *Omaha World Herald*. "He looked for answers from a minister he'd met, the Rev. James Wickstrom. As I heard more of Wickstrom's teachings, I became concerned. How could he be a Christian and preach hate?"

Kelle's brother seemed an un-
(*Posse, cont. on page 12*)

(Posse, from page 11)

likely candidate to join a white supremacist group. He was well liked, got good grades in school, and had grown up in a Mennonite family.

Kelle and Thimm were close, but he began to pull away after he became involved with Ryan and developed more radical views on religion and survival. He even tried to get Kelle to leave her husband and bring her children to join him.

When Thimm came to say goodbye in 1983 before moving to Rulo, he was thin, paranoid and “had so much anger,” Kelle said. She knew then that she would never see him again.

By 1985, Ryan had become powerful and hungry and had become enraged at Stice over a woman and the others over what he perceived as insubordination. He sent Stice and Thimm to the other side of the farm as punishment. Ryan began torturing Stice’s little boy, so much so that his father fled in terror leaving him behind.

Thimm, 26 years old, was tortured and killed at the Rulo compound. He died after being shot in the face, chained all day and night on a porch and then inside a hog shed, kicked, beaten, sodomized with a shovel handle, partially skinned alive, his fingers were shot off and his chest crushed. The torture lasted for two weeks.

Three other men beside Ryan participated in the torture of Thimm, including David Andreas. Ryan directed the men and even made his

son shoot Thimm in the face.

Thimm and David Andreas had attended the same Mennonite church and were friends. Andreas was in financial trouble with his family’s farm and attended an American Agriculture Movement meeting where he had heard Wickstrom speak and had been convinced by Ryan to move to the farm in Rulo.

Kelle hadn’t had contact with her

brother until she heard some members of the Rulo group had been arrested. She knew David Andreas and visited him in jail and offered her help and support. She was unaware of what had happened to her brother.

Andreas couldn’t bring himself to tell her what they had done to her brother. Several days later, Kelle learned that her brother had been tortured to death.

After her brother’s death, Kelle was angry. She knew that those who got lesser charges and sentences would be released from prison and she feared that day. However, over time, she realized that all of Ryan’s followers were manipulated and likely were tortured, too.

“Money spent on the many appeals of a death sentence is better spent on preventing murders,” Kelle says. She worries about young men who are at risk of becoming violent and of going such movements.

Back in Montana

Mimi Kelle came to Montana to support SB 236, which sought to

replace the death penalty with life in prison without possibility of parole.

In her discussions with legislators, she cited her religious faith and understanding of the systemic and unfixable problems of the current capital punishment system as why she was here.

She’d rather not be fighting for Ryan, she said, but she doesn’t have a choice. In the debriefing after she testified at the Montana Legislature, Kelle warned about the danger of anti-government and racist thinking of the men who murdered her brother. She said it is the ideology that is dangerous, because it continues and can’t be killed in a death chamber.

Kelle spent a long day at the Montana Capitol where she had conversations with some of Montana’s newest right-wing representatives. Rep. Joel Boniek (R-Livingston) had commented to her earlier that day that the country was in distress, and he was at the legislature to do the work of God first.

Rep. Bob Wagner (R-Harrison) had commented that the US Constitution was not a living document, but perfect upon its inception.

“Some of what these guys are saying reminds me of my brother’s cult murderers,” Kelle commented.

Kelle describes a dynamic that the Human Rights Network has long chronicled, whereby radical right-wing ideas are repackaged as public policy proposals. For more information and examples of the “Margins to the Mainstream” process, please check out <http://mhrn.org/radicalright.html>. □



Michael Ryan

Nebraska Department of Corrections

MIXED BAG ON NATIVE ISSUES DURING 2009 SESSION

During the 2009 legislative session, the Network again worked closely with the American Indian Caucus and lobbied for bills seeking justice for Montana's Native community. The Network focused on four bills: House Bill 550, House Joint Resolution 23, House Bill 591, and Senate Joint Resolution 26. Two of the bills passed, while two others died at the committee level.

Montana, in many ways, leads the country in efforts to include Native American related curricula in our public schools. In 1972, the State of Montana made a promise in its constitution to help preserve the cultural integrity of American-Indian tribes through our public schools.

The state had failed to uphold this by allocating funding, and, in 2005, the Montana Supreme Court declared that this was unconstitutional. The Montana Legislature subsequently approved new education funding to be used for "Indian Education for All," which gives public schools grants to develop curriculum and funds tribal colleges to create written histories of their tribes.

Denise Juneau, former Network board member and current Superintendent of Montana's Office of Public Instruction, had spent the previous three years implementing the Indian education mandate, which led to new curriculum in the schools.

"We talk about the Westward Expansion, and suddenly the conversation has shifted to what it must have been like for people here—an Eastern Invasion. It brings a level of humanity into the curriculum," Juneau said in an interview with an online publication.

House Bill 550, sponsored by Rep. Diane Sands (D-Missoula), addressed the need for increased funding for Indian Education for All. The bill was tabled by the House Appropriations Committee. Funding for the program was left in House Bill 2, the state's main budget bill. Overall, the legislature did increase the funding for education by 3%, but it did not allocate the full amount requested to meet the constitutional requirement for In-

dian Education for All.

Rep. Shannon Augare (D-Browning) sponsored House Joint Resolution 23, which resolved that the Montana Senate and House of Representatives would express their support for the *UN Declaration on the Rights of Indigenous Peoples*. HJ 23 also urged the US to sign on to the UN Declaration. The resolution received almost unanimous support in its journey through the House. It passed out of the House Federal Relations Committee on a 14-0 vote and cleared the House by a 73-26 vote. The Senate wasn't as welcoming.

During HJ 23's hearing in Senate State Administration, Chairman Sen. Jim Shockley (R-Victor) reflected his support for one-world government conspiracy theories and a dislike of tribal sovereignty. "My problem is not with the Indian Nations," Shockley said, "it's with the United Nations. I don't think we should allow self-determination for Indian Nations."

Fellow committee member Sen. Keith Bales (R-Otter) relayed his support of assimilation over self-determination. During the hearing, he said that supporters of HJ 23 "want apartheid, you want these indigenous people to be separate and not part of the whole." The Senate State Administration Committee tabled HJ 23, with all the GOP committee members voting against the resolution.

HJ 23, however, led to the Network co-sponsoring a community event. On June 4, the Rev. Luis Cristobal Alejo Fernandez, Pastor Presidente of the Bolivian Evangelical Lutheran Church, spoke in Great Falls. Fernandez had been in the US to attend the United Nations Permanent Conference on Indigenous Peoples and shared that experience and information on the *Declaration of Indigenous Rights* with the Great Falls audience. The US was one of four UN member countries to vote against the Declaration.

Two major victories came in the forms of House
(*Native, cont. on page 15*)



Rep. Shannon Augare
(D-Browning)



Rep. Carolyn Pease-Lopez
(D-Billings)

.....

• Inside this newsletter is a flyer
 • with tickets and prizes for the 15th
 • Annual Montana Shares Raffle. Make
 • a donation and help the Human Rights
 • Network by supporting Montana
 • Shares, a partnership of non-profits
 • working together to improve the
 • quality of life in communities across
 • Montana.

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 • tickets on the flyer, along with any
 • donation, by September 12, 2009, to:
 • Montana Shares, P.O. Box 883, Hel-
 • ena, MT 59624.

.....

(Roeder, from page 16)
 “overthrow the tyrannical regime that oppresses them.”

Joe Foreman, one of the co-founders of Operation Rescue, signed a petition saying, “The use of lethal force is justified if it is carried out for the purpose of protecting the lives of unborn children.”

Another Operation activist said, “It is your God-given right to destroy any man or woman calling themselves doctors who willingly slaughter innocent children.” In 1994, the group changed its name to Operation Save America. The group has denounced Tiller’s murder. □

(Equality, from page 6)
 “no brainer.” During the 2009 session, it was House Bill 340. Sponsored by Rep. Margaret MacDonald (D-Billings), it designated the third Saturday of June as “Juneteenth National Freedom Day” which commemorates the emancipation of African-American slaves in America. Twenty-eight states have adopted this holiday.

When HB 340 was heard by the House Judiciary Committee, there were no opponents. The bill passed out of committee on a 12-6 vote. It seemed to be well on its way to easy passage. Then, the Religious Right got involved. Because the Network’s lobbyist, an openly gay man, organized testimony for the hearing in House Judiciary, Religious Right activists told Republicans HB 340 was a gay rights bill.

By the time HB 340 came to the House floor for second reading, Republican support had withered. Rep. Wendy Warburton (R-Havre) said she voted for the bill in committee. However, she said she had learned that the holiday had “evolved into a celebration of alternative lifestyles” in other states. She said legislators should know the bill was not just about emancipation.

The bill barely passed second reading 51-49, with Rep. Michael More (R-Gallatin Gateway) voting with Democrats in support of HB 340. However, on third reading, he voted with the rest of his party. The bill died on a tie vote.

“The fate of HB 340 was tied to the influence the Religious Right has with the Montana Republican Party,” said the Network’s Travis McAdam. “The Religious Right started a ridiculous whisper campaign that it was a gay rights bill, and Republicans fell right in line. Thanks to the Religious Right, all 50 House Republicans cast what could be considered racist votes due to their fear of the supposed ‘homosexual agenda.’” □

(Immigration, from page 8)
 “These are people whose very first interaction with this country was to break the law,” Kelly Wood said on multiple occasions. This is certainly good rhetoric, but the problem is that it is often untrue and ignores the complex reality of the United States’ broken and unfair immigration system.

The crime of “entering without inspection” is a federal misdemeanor. But many of the people who live and work in our communities did not enter without inspection. Many of the people that live and work in our communities came on temporary visas that have expired or came to work for a company that did not hire them.

Anti-immigrant activists, getting much of their information from talk radio, anti-immigrant organizations, and blogs, often misrepresent US law, and perpetuate

lies about immigrants and immigration.

These activists refuse to consider the push and pull of economic factors on labor, or other factors that lead to human migration. Instead they attempt to blame immigrants for social ills and often mask racist motives. You don’t have to use a racial or ethnic slur if you can call someone “illegal.”

These policies proposed in 2009 don’t just affect undocumented immigrants. They have negative consequences for entire communities.

While Montana may see these politically and socially divisive policies again, the defeat of all anti-immigrant legislation at the 2009 session was a major victory. The fight against them created stronger alliances between individuals and organizations working for just immigration policies and welcoming Montana communities. □

(Native, from page 13)

Bill 591 and Senate Joint Resolution 26. HB 591 guarantees that one member of the Montana Board of Pardons and Parole must be an enrolled member of a state-recognized or federally-recognized Indian tribe located within the boundaries of the State of Montana.

The Network supported HB 591, because it promoted discussion about the institutional racism that Native Americans face and provided a corrective reaction. In 2008, 19.5% of males and 27.1% of females in Montana correctional facilities were American Indians. American Indians only comprise 6.3% of the general population. It's easy to see that the criminal justice system has a disproportionate impact on American Indians, and HB 591 made sure there is American Indian representation on the parole board to help address this bias. The bill was sponsored by Rep. Carolyn Pease-Lopez (D-Billings) and passed both bodies of the legislature (44-6 in the Senate and 71-26) and was signed into law.

Senate Joint Resolution 26 aimed to protect Montana's 27,529 American Indian and Alaska Native

women living both on and off reservations. The resolution was sponsored by Sen. Carol Juneau (D-Browning). During hearings on the resolution, Juneau noted the national statistics confirming that Native women are 2.5 times more likely to be raped or sexually assaulted than any other segment of population. Over 80% of these rapes and assaults are committed by non-Native males.

Juneau said some Native American women are "falling between the cracks and their issues are being left behind," because they don't know where to go to get justice among federal, state, tribal and county authorities. Supporters of SJ 26 hoped the resolution would spur action to address these jurisdictional concerns.

The resolution passed the Senate 46-3 and House 84-16. Senators John Esp (R-Big Timber), Dan McGee (R-Laurel), and Aubyn Curtiss (R-Fortine) voted against the bill in the Senate, while a handful of right-wing representatives opposed it in the House. The resolution led to a conference titled "Honoring Native Women by Stopping Violence" that was held in late June. □

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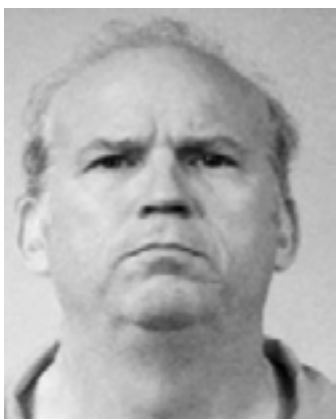
ALLEGED MURDERER TIED TO MONTANA FREEMEN

Scott Roeder, 51, allegedly shot and killed Dr. George Tiller on June 7, 2009, while Tiller passed out programs at his church in Wichita, Kansas.

Tiller was an abortion provider who was a frequent target of both radical anti-choice groups like Operation Rescue and more traditional Religious Right groups like Focus on the Family and the Family Research Council. Since the shooting, numerous articles have detailed Roeder's links to the Montana Freeman.

Roeder's ex-wife, Lindsey Roeder, says her former husband's background includes involvement with the Montana Freeman, an extremist anti-government group based in Montana that was involved in an 81-day standoff with the FBI near Jordan in 1996. Lindsey Roeder was married to Scott from 1986-1996 and recalls that, even in the beginning, he advocated anti-tax positions and was anti-choice.

Roeder's father also indicated in 1996 that his son was a member of the Freeman and trained with the extremists in Montana. It is alleged that



Picture from Missoula Independent

Scott Roeder

Roeder received training from the Montana Freeman and was involved in an anti-government group in Kansas, the Kansas Unorganized Citizens Militia, which had an open relationship with the Freeman. He was also part of the One Supreme Court, a freemen group based out of Shawnee County, Kansas.

In 1996, Roeder was sentenced to 16 months in prison for criminal use of explosives. At the time, his name was included on an FBI list of Freeman. Roeder was living in Silver Lake, Kansas, and was stopped because his car didn't have a legiti-

mate license plate. He had a tag indicating the driver was a "sovereign" citizen and immune from Kansas law. He was driving with a suspended license and had no registration or insurance. Roeder's conviction was overturned by an appeals court in 1998 after it was determined evidence used to convict Roeder was obtained illegally. In Montana, at the same time in 1996, federal agents had increased security around the barricaded Freeman compound near Jordan called Justus Township.

More recently, Roeder subscribed to "Prayer and Action News," a magazine that supports the position that murdering abortion providers is justifiable homicide, according to its publisher Dave Leach, an anti-choice activist from Des Moines, Illinois.

Roeder was also involved with the radical anti-choice group, Operation Rescue. The call to violence has never been far from Operation Rescue. Randall Terry, who started the group in 1988, began telling people in 1995 to "take up the sword" and
(Roeder, cont. on page 14)

MONTANA HUMAN RIGHTS NETWORK

P.O. Box 1509
Helena, MT 59624
(406)442-5506
e-mail: network@mhrn.org
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