



# HUMAN RIGHTS NETWORK NEWS

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## EXTREME LEGISLATIVE REFERENDA: SAY “NO” TO 2011 MONTANA LEGISLATURE

The 2011 Montana Legislature was not a pleasant experience for Montanans who care about basic human rights, keeping our communities safe and strong, and investing in our state’s future. The legislative session produced extreme ideas and proposed devastating cuts to services. Many of these proposed policies would have become law if it weren’t for the Governor’s veto pen.

Toward the end of the legislative session, members of the Republican majority attempted to get around vetoes by proposing laws that would be referred directly to the 2012 ballot. These types of bills are called legislative referenda, and the legislature can refer a policy to the ballot with a simple majority vote in both chambers.

The 2011 Montana Legislature used the legislative referenda process to place five issues on the 2012 ballot (one on the Primary Ballot and four on the General Election Ballot). You can read the text of these proposals by visiting the Montana Secretary of State’s elections website at: <http://sos.mt.gov/Elections/2012/BallotIssues/>.

The Network opposes all five legislative referenda, because they undermine core human rights values and would have lasting negative consequences for our state. Here is some information on what the legislative referenda are and what they would do.

### Appearing on the Primary Ballot

LR 119 would change the way that Montanans vote on Montana Supreme Court Justices. Right now, every voter gets to vote for every Supreme Court Justice. If LR 119 were to pass, Supreme Court Justices would be elected by district, and Montanans would only get to vote for one Justice every six years. It would also eliminate the ability of Montanans to choose the Chief Justice of the Supreme Court. At the time this newsletter was being put together, a Montana District Court Judge had ruled this proposal unconstitutional. The ruling is being appealed to the Montana Supreme Court. At this point in time, LR 119 is still scheduled to appear on the 2012 Primary Ballot. **UPDATE:** In mid-April, the Montana Supreme Court rejected LR 119. In a 6-1 ruling, the Supreme Court upheld the District Court’s ruling that the referenda was unconstitutional. LR 119 will not appear on the 2012 Primary Ballot.

### Appearing on the General Election Ballot

LR 120 would force young women under the age of 16 to notify a parent before getting abortion care, or they would have to go to a judge to get permission. Most young women talk to a parent or guardian before seeking an abortion, and if they don’t, they usually have a good reason. Montanans need to focus on supporting  
*(Referenda, continued on page 2)*

*Human Rights  
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*(Referenda, from page 1)*

strong families, not denying access to medical care. Additionally, Montana courts have already ruled parental notification unconstitutional.

LR 121 would deny access to certain state services for Montanans who lack proper documentation to prove they are US Citizens or lawfully present in the US. Services such as access to Montana universities, crime victim assistance, and occupational licenses would be affected under this proposal. People who can't immediately prove their citizenship or lawful status would be checked against a federal database. This law will be costly to Montana, and it will marginalize members of our communities.

LR 122 prohibits the state from enforcing the individual insurance mandate that was passed as part of the Affordable Care Act (national healthcare reform). The state does not have the authority to stop the implementation of the ACA.

LR 123 is a regressive tax policy that would automatically send revenue back to taxpayers in the form of property and income tax credits and rebates if the state took in more money than it estimated. Over 60% of the benefit of these kickbacks would go to the wealthiest 20% of Montanans. It would hurt Montana's

ability to invest in communities, plan for the future, and respond to unforeseen events. At the time of this newsletter's printing, LR 123 is being challenged at the District Court level.

What all of these proposals have in common is that they attempt to restrict access by certain communities to important services that benefit everyone in Montana.

The Network believes that it's now your turn, as Montana voters, to veto the extreme and dangerous ideas of the 2011 Montana Legislature by voting "no" on these referenda. The Network will have more to say on each of these proposals as Election Day nears.

The Network will also update you on any court rulings that may occur and impact the status of these referenda. □

## 2011 LEGISLATURE: REFERENDA SPONSORS



Sen. Joe Balyeat  
(R-Bozeman)  
LR 119 and LR 123



Rep. Gerald Bennett  
(R-Libby)  
LR 120



Rep. David Howard  
(R-Park City)  
LR 121



Sen. Art Wittich  
(R-Bozeman)  
LR 122

*(Initiatives, from page 3)*

### CI-108: "Personhood" People Return

Sponsored by Dr. Annie Bukacek and her Montana Pro-Life Coalition, CI-108 defines life as beginning at fertilization and grants a fertilized egg due process rights that are separate from those of the preg-

nant woman.

It is an effort to ban abortion in Montana, and it would likely have negative impacts on other medical decisions, such as in-vitro fertilization and access to contraception (see the December 2009 edition of *Network News* for more about the Montana Pro-Life Coalition and previous attempts to enact policies like CI-108).

CI-108 follows a failed attempt by the Pro-Life Coalition and other Religious Right groups to pass a

similar measure during the 2011 Montana Legislature. While the bill, sponsored by Rep. Wendy Warburton (R-Havre), did pass the Montana House, it was tabled by the Senate Judiciary Committee.

The Network would like to know if you come across people gathering signatures for these ballot initiatives. Drop us an e-mail at [network@mhrn.org](mailto:network@mhrn.org) or call us at 406-442-5506. □

## Have You Seen Signature Gatherers?

### RIGHT-WING MEASURES TRYING TO QUALIFY FOR THE BALLOT

Legislative referenda (see related article on page 1) may not be the only right-wing policies on the ballot for Montana voters come November 2012. There are also a few citizen ballot initiatives that are attempting to qualify for the ballot. In order to do this, supporters will have to obtain nearly 50,000 signatures of Montana voters.

#### CI-107: "Jury Nullification"

CI-107 is sponsored by Livingston's Roger Roots. Throughout the 1990s, Roots frequently popped up around the white supremacist movement in Montana.

He was an associate of John Abarr, a Klan organizer in Montana and Wyoming throughout the 1990s. In the early 1990s, Roots authored the pamphlet *Whites and Blacks: 100 Facts (and One Lie)*. Among other things, the pamphlet stated whites are more intelligent than people of



Roger Roots  
Sponsor of CI-107

color and suggested people of color should be classified as a different species.

Roots also supported anti-Semite Red Beckman during Beckman's battles with the IRS over income tax evasion. Serving as a correspondent for *The Jubilee*, Roots frequently wrote articles supporting Beckman. *The Jubilee* was a Christian Identity publication. Identity is a racist theology claiming people of color are subhuman beasts and Jews are the literal children of Satan. For *The Jubilee*, Roots also wrote articles denying the Holocaust.

Roots now claims he no longer holds racist views. In an affidavit he sent to the Network in 2008, Roots stated he has "no involvement in the white supremacist movement" and has not "spoken or written a racist statement in years." He also said, "I do not endorse any opinion I expressed during my twenties." Roots is currently running for Secretary of State as a Libertarian.

CI-107 would require that juries be told that they can judge the law when reaching verdicts. This idea is known as "jury nullification," and it has been promoted for years by the Fully Informed Jury Association (FIJA). FIJA claims that a jury has the right to "judge both the law and the evidence in the case before it." In essence, FIJA encourages juries to ignore laws they don't like and set defendants free regardless of evidence to the contrary. FIJA and jury



Dr. Annie Bukacek  
Sponsor of CI-108

nullification have been favorites of the anti-government "patriot" movement for years.

FIJA, which has referred to Red Beckman as its "grandfather," once distributed fliers in Mississippi supporting Byron De La Beckwith, a white supremacist who was on trial for murdering a civil rights leader in the 1960s. The fliers described Beckwith as a "war hero" and asked jurors to make the "right decision when the law is wrong."

CI-107 follows a failed attempt by Roots to get the 2011 Montana Legislature to pass a bill instituting jury nullification. Sponsored by Rep. Bob Wagner (R-Harrison), the bill was tabled by the House Judiciary Committee, of which conservative Republicans comprised the majority. The bill garnered the support of the "patriot" Oath Keepers, the Montana Libertarian Party, and many longtime FIJA activists.

*(Initiatives, continued on page 2)*

## GOING FROM THE MARGINS TO THE MAINSTREAM: RIGHT-WING ACTIVISTS FILE FOR OFFICE

As with previous election cycles, the Network found many right-wing activists on the list of people running for office in Montana.

The Network remains concerned that this will continue the dynamic of right-wing and anti-government themes creeping into mainstream politics. There are numerous candidates on the ballot with histories of right-wing activism. A few are profiled below.

### A Bizarre Ballot

One Senate race in Bozeman is both crowded and confusing. It finds well-known, right-wing activists running on both sides of the ballot. With the GOP alleging that one of the candidates filing as a Republican was actually a Democrat, former Speaker of the House Scott Sales filed for the office.

Apparently also in response, Tea Party favorite Michael Comstock filed as a Democrat. Comstock ran unsuccessfully for the Montana Senate as a Republican in 2010. Both



Michael Comstock

Photo distributed by Bozeman Tea Party

Sales and Comstock have established right-wing credentials.

Scott Sales oversaw one of the most dysfunctional legislative sessions ever witnessed in Montana. Despite never chairing a legislative committee, he was elected Speaker of the House for the 2007 Montana Legislature.

Sales promised the session would be a “war,” and that he would hold the line on government spending to reduce the “bloated government.”

Under Sales’ leadership, the 2007 Montana Legislature failed to pass a budget, which forced a special session. Gov. Brian Schweitzer was able to broker a compromise with a group of Republicans that did lead to a budget being approved during the special session. Sales voted against the budget bill.

After being termed out of the Montana House, Sales ran unsuccessfully for the Gallatin County Commission in 2010 against incumbent Joe Skinner in a primary election. During the campaign, Republican legislators who served during Sales’ tenure as House Speaker spoke out against him. One such member, Rep. Jesse O’Hara (R-Great Falls), said, “The truth is Scott Sales was a disaster.”

In January 2011, Americans for Prosperity, a Tea Party entity founded by the billionaire Koch brothers, announced Sales would be the group’s state director. In that capacity, he spoke at Tea Party rallies and events around the state.

However, in February 2012, Sales’ wife pleaded guilty to embezzling \$20,000 from her mother. At the time, Sales said it wouldn’t ham-



Scott Sales

per his run for the Montana Senate or his job with Americans for Prosperity. By the end of April 2012, however, Americans for Prosperity had hired a replacement for Sales.

Michael Comstock is a favorite of the Bozeman Tea Party, both for his ideology and for providing music at Tea Party events with his band. Comstock has outlined his personal ideology over the years as a prolific writer of letters to the editor.

In 2003, he complained that “women and minorities get a free leg up on this white male [Comstock]” when it came to employment. He’s also advocated getting rid of the minimum wage, which he called a “relic of our socialist past.”

He claimed the devastation in New Orleans following Hurricane Katrina was “directly attributed to 100 years of corrupt liberal politics.”

In another letter about Katrina, he complained that the media gave too much credence to the “rantings of opportunistic race-baiting leftists.” He said statistics proved more focus should have been on white victims. While “blacks did constitute the majority of deaths,” Comstock wrote, “proportional to their represented numbers, whites suffered the most

*(Margins, continued on page 5)*

*(Margins, from page 4)*  
death....”

### **Militia Supporter, Gun Rights Extremist Runs in Missoula**

During legislative sessions, Gary Marbut of the Montana Shooting Sports Association (MSSA) generally professes to be an advocate for public safety, hunters, and shooting sport interests. Many legislators treat him as a policy expert when it comes to Second Amendment issues. However, the reality is that Marbut fits squarely within the anti-government “patriot” movement. Marbut is hoping to influence the 2013 Montana Legislature as one of its members. He’s running for an open House seat in Missoula.

Over the years, Marbut offered organizing tips to the Militia of Montana. Retuning the favor, the Militia of Montana circulated membership and fundraising appeals for MSSA, in addition to promoting weapons training classes offered by Marbut and his group.

Marbut has frequently supported militia-based conspiracy theories relating to one-world government. In one article published by the Militia of Montana, he wrote that Americans’ freedoms were being reduced to “ease our assimilation into the global governance of the New World Order.” In an e-mail he distributed, Marbut warned that international trade agreements were “all moves towards the New World Order and the coveted global government.”

Marbut has asked candidates running for office if they endorse a view popularized by the Posse Comitatus, a white supremacist and anti-Semitic group. Marbut questionnaires ask if the candidate views the “county sheriff [as] the top law enforcement official in the county” and believes that federal officers would have to ask the sheriff’s permission before taking action. He’s used various versions of this question from 1992 through 2010.

This idea of sheriff supremacy originated with the Posse Comitatus, which viewed the sheriff as the highest legitimate law officer in the land. Marbut has drafted legislation to implement this policy. The Tea-Party dominated legislature of 2011 passed the bill, but it was vetoed by Gov. Brian Schweitzer.

In 1994, Marbut was so incensed by passage of the ban on assault rifles that he proposed that Montana secede from the union. He drew up a plan to repeal Article I of the Montana Constitution. When Republicans took control of Congress in November 1994, he withdrew his plan. However, he has said the plan is still on his computer, and he has not ruled out re-introducing it. In 2008, he got then-Montana Secretary of State Brad Johnson to imply that Montana would secede from the union, if the US Supreme Court ruled that gun ownership wasn’t an individual right under the Second Amendment.



*Gary Marbut*

### **Co-Founder of “Celebrating Conservatism” Runs for US Senate**

In 2009, Hamilton’s Dan Cox resigned from the local Republican Party Central Committee along with Mona Docteur. They were concerned that “fake” Republicans had taken over the local group, and the GOP did not support their anti-government values.

They founded Celebrating Conservatism, a group that brought “patriot” speakers to the Bitterroot Valley during the next two years. The speakers included: failed Constitution Party presidential candidate Chuck Baldwin; anti-

Semitic tax protestor Red Beckman; militia favorite Richard Mack; and Schaeffer Cox, who spent much of the last year in Alaska courts because of a plot to kill criminal justice employees.

Dan Cox came to the Bitterroot Valley from Utah in 2002. In 2008, he initiated the successful effort to repeal the planning and growth policy for Ravalli County. Of his efforts, he told the *Ravalli Republic*:

“I believe our country gave us three things: life, liberty and the right of property...The most important thing you can pass to your children is freedom, and when I look at the direction of the Bitterroot Valley that these socialist-environmentalist groups want us to go in, it’s a lethal combination to destroy those foundations we hold dear.”

By the end of 2011, Celebrating Conservatism was  
*(Margins, continued on page 7)*

## HELENA NON-DISCRIMINATION ORDINANCE UPDATE: PUBLIC EDUCATION CAMPAIGN GOING STRONG

A non-discrimination ordinance in Helena is about dignity, fairness, and security for all members of our community. What many people do not realize is that lesbian, gay, bi or transgender (LGBT) people can be fired from their jobs, denied housing, or refused service at a store just because they're LGBT. This ordinance will ensure that everyone in Helena has the same access to basic legal protections.

The Montana Human Rights Act is the state law that provides legal protections to a list of classes. It includes race, ethnicity, gender, disability, and religion, but it excludes protections on the basis of sexual orientation, gender identity, and gender expression.

While the Network will continue its work to pass inclusive pro-active equality policies at the state level, it sees an immediate benefit to the LGBT community by pursuing its city-by-city work to pass ordinances at the local level.

The Network was the lead organization behind Missoula's "Anti-Discrimination Ordinance" which passed in April 2010, making it the only city in Montana to have a fully-comprehensive and inclusive non-discrimination law on the books. Helena is poised to become the second city with these protections.

The Helena non-discrimination ordinance is about more than just the obvious benefit of passing a policy

that would provide legal remedy for all LGBT people inside its city limits. The organizing campaign around this ordinance, and the Network's Equality Project efforts in other communities around the state, provides many opportunities to do public education

The Network is proud of the numbers related to the public education campaign in Helena. Sixty-two volunteers have given almost 200 hours of time since the campaign began. Almost 2,000 signatures of support have already been gathered.

Volunteers have called over 1,600 Helenans and personally spoken with hundreds of newly-identified supporters of equality. Fifty-three area business owners have added their names to a rapidly-growing list of businesses that believe in equality, and 16 faith leaders representing seven congregations have joined the campaign by signing on in support of the ordinance!

Reverends from both Covenant United Methodist Church of Helena and First Christian Church of Helena wrote of the important

role the faith community can play in the movement for equality in an op-ed that ran as part of the campaign in the *Helena Independent Record*:

"We want Helena to be a welcoming and secure place for all our neighbors. We are willing to stand up and speak out because we know that all of creation is valued, honored, and beloved. We know that everyone should have access to the resources they need to thrive. We are  
(*Ordinance, continued on page 7*)



*Network staffer Jamee Greer, Helena Campaign Steering Committee Member Amy Ophus, and Tiana Graff (left to right) gather signatures supporting a Helena Non-Discrimination Ordinance.*

and community building — both within the LGBT community and with their allies.

Since the start of the Helena campaign, the Network has gained incredible support from a diverse and passionate group of volunteers. These volunteers have given hundreds of hours to the campaign by gathering signatures in support of the ordinance; turning out supporters to ordinance-related events; signing business and faith leaders onto the campaign as supporters; and helping the Network identify brand new supporters of equality.

*(Ordinance, from page 6)*

looking forward to the community discussion that will take place in the coming months, and we are excited to take part in it. This is truly a time for open hearts, open minds, and open doors.”

A public hearing date on the ordinance has yet to be set as the City of Helena discusses its priorities for the coming months, but there is a clear and easy way for you to become more involved as the Network moves forward with the campaign. Point your web browser to [www.mhrn.org/helena](http://www.mhrn.org/helena), where you can sign the Network’s petition urging the City of Helena to pass a non-discrimination ordinance.

At the website, you can also add your business to the growing list of supportive business owners and/or register as a faith leader in support of equality. Providing your name and contact information will ensure you receive up-to-date information on ways you can help!

This is what good communities do — they look out for families, friends, and neighbors, and work to make sure everyone has the same legal protections.

### **ACLU Relationship Recognition Suit at Montana Supreme Court**

The ACLU of Montana, an ally of the Network’s in the movement for LGBT equality, has filed a lawsuit on behalf of six same-gender Montana couples seeking relationship recognition, *Donaldson & Guggenheim vs. Montana*. *Donaldson* is about the right of all couples to care for and protect one another and have equal standing under the law. When presented with any situation in which a married husband and wife would be protected, committed same-gender couples lack any legally-recognized status in Montana statute, and that is simply discrimination.

“We love each other and want to be able to take

*(Margins, from page 5)*

pretty much defunct. By that time, Cox had already left his leadership position with the group and started his Libertarian Party of Ravalli County as a way to challenge Republicans.

In 2010, he recruited a slate of Libertarian candidates to run for the legislature in the Bitterroot. Cox himself ran unsuccessfully for Senate District 44, receiving about 12% of the vote. For the 2012 election

## **Montana Pride Celebration Bozeman, June 15-17, 2012**

The Network is a proud sponsor of this year’s Montana Pride Celebration that will be held in Bozeman on June 15-17, 2012!

Last year’s celebration brought a record crowd of 2,200 people into the streets of Bozeman, including a great turnout by Network supporters. The Network is excited to be a sponsor for this year’s celebration, as well as a special event sponsor of the Equality Rally happening at noon outside the Bozeman Public Library.

The Network will also be marching for fairness and dignity for all, once again, down Bozeman’s historic Main Street! Join us for the parade at the corner of Main Street and Fifth Avenue at 10:30 a.m. on Saturday, June 16. The parade begins at 11:00 a.m. For more information, visit [www.montanapride.org](http://www.montanapride.org).

care of one another and our family, just like everyone else,” said plaintiff Jan Donaldson, who has been in a committed relationship with her partner, Mary Anne Guggenheim, for 29 years. “We would never try to tell other people how to live their lives, and we’re just asking for the same respect.”

Each year, the Montana Supreme Court picks a handful of cases to be heard at The University of Montana School of Law. This year, *Donaldson* was one of those cases. *Donaldson*’s public hearing drew a crowd from around the state, and the Network was delighted to see its members come from as far away as Whitefish, Bozeman, and Red Lodge just for the hearing.

We are told that a final decision on *Donaldson* should be made by the beginning of the fall. □

cycle, Cox initially filed to run for House District 87, but he withdrew to run for the US Senate.

### **Second Generation “Patriot” Runs in Kalispell**

Tim Baldwin, a writer and attorney, is running unchallenged in a Republican Primary for the Montana House. He moved to Montana in October 2010 when  
*(Margins, continued on page 9)*

## RACE, DEATH, AND THE LAW

While the Network doesn't have a legal branch or provide legal services, it's hard to ignore those court cases that have dramatically impacted public policies and institutions that impact us every day.

This April was the 25<sup>th</sup> anniversary of *McCleskey v. Kemp*, a 1987 case with far-reaching implications for the interactions between race and our legal system. The ruling left our country with a system where racial bias is allowable in legal procedure as long as it isn't intentional.

In *McCleskey*, the US Supreme Court said that a criminal justice system that treats African Americans worse than white people is inevitable, and that the Constitution is only violated by intentional racial discrimination by individuals in specific cases.

In the case, the Court refused to reverse the death sentence of Warren McCleskey, an African-American man who was sentenced to death in Georgia for the killing of a white person. The Court's decision ignored the statistical evidence that African Americans were more likely to receive a death sentence than any other defendants and that African-American defendants who killed white victims were the most likely to be sentenced to death.

Justice Lewis Powell later admitted that he would change his vote if given the chance, but it was too late for Warren McCleskey, who was executed in 1991. The ruling began 20 plus years of legalized institutional racism in the US.

Today the implications of the case are far reaching. The case means there isn't court-established precedent to address the fact that people of color are disproportionately stopped, searched, arrested, held on bail, charged with serious crimes, denied plea bargains, convicted, and sentenced to prison and execution.

There have been legislative attempts to put a Band-Aid on some of these issues in Montana, such as pas-

sage of a bill in 2003 which prohibits racial profiling by law enforcement. However, there are no teeth to the law and no requirement for data collection.

The Network and its allies continue to work to make changes to the state's legal system that address the role race plays in the death penalty and other parts of our justice system.

We are also working on the ground to educate the public about this inequality and to rid Montana of the death penalty. Acknowledging racism isn't enough, the resulting act must be stopped. As the number of exonerees from death row continues to grow, we can't risk executing an innocent person. We also can't tolerate racism and bias when the death penalty is the consequence.

The well-publicized case of Troy Davis, an African-

American on death row who proclaimed his innocence, isn't only an issue in the state where he was eventually executed, which happened to be Georgia. Innocent people have been sentenced to prison in Montana.

The racial bias discussed in *McCleskey* doesn't just take place in Georgia. In Montana, a disproportionate number of American Indians and African Americans are sentenced to prison and to death in the state. The Network is part of the Montana Abolition Coalition, which is seeking to replace the death penalty in the state with life without parole. To learn more and get involved, please visit <http://www.mtabolitionco.org>.

While it is the 25<sup>th</sup> anniversary of *McCleskey's* shameful acceptance of racism in the United States, it is also the 40<sup>th</sup> anniversary of another landmark case. *Furman v. Georgia* rid the country of the death penalty for a few short years, calling the policy arbitrary, discriminatory, cruel and unusual and, thus, unconstitutional.

For more information about the ongoing crisis of racial bias in the criminal justice system, the *McCleskey* case, and efforts to abolish the death penalty, please visit: [www.mccleskeyvkemp.com](http://www.mccleskeyvkemp.com). □





*(Margins, from page 7)*

his father, Chuck Baldwin, uprooted his family from Florida and resettled in the Flathead Valley (see the January 2011 edition of *Network News* for more). Chuck Baldwin, a failed presidential candidate for the Constitution Party, frequently discusses impending warfare with the federal government. Tim Baldwin reflects much of his dad's ideology.

At an event in Ronan, Tim Baldwin suggested secession, which prompted one audience member to ask, "If we're to follow this path here, each and every one of us is going to have to take up arms against the 3rd Infantry Division coming in from North Dakota..." Baldwin replied, "You're right. We have to be ready."

In December 2010, the anti-government Montana Oath Keepers featured Baldwin as a speaker at its Liberty Leadership Conference in Helena. The event promoted the conversion of Montana's monetary system to silver and gold, preparedness, and establishing a statewide militia.

In June 2011, a group called the Flathead Liberty Bell organized a Preparedness Expo which featured prominent anti-government speakers like Chuck Baldwin, Richard Mack, and Stewart Rhodes. Checks and money orders for the Expo were to be made out to Tim Baldwin.

In an August 2011 article on his Liberty Defense League website, Baldwin referred to multi-culturalism as "an unworkable phenomena in society," echoing the UK's Prime Minister who publicly described multiculturalism as a failure. "Perhaps the States in America could take a lesson" from the Prime Minister, Baldwin wrote.

Baldwin has injected himself into the debate over medical marijuana,

including representing members of the Montana Medical Growers Association. He views his involvement through an anti-government lens. Baldwin has stated his involvement has nothing to do with medical marijuana. Instead, he claims, "The issue is about the will of the sovereign body of Montana, the power to govern ourselves and the limitation of government."

#### **"Wise Use" Leader Runs for Montana House in Bozeman**

Kerry White has been one of the actors at the center of Montana's anti-environmental "wise use" movement for years.

The national movement began in the 1980s with funding and guidance from extractive industry and grew into ideological activist groups. While the movement has focused on an anti-environmental agenda, it also frequently crosses over with the anti-government movement, especially at the local level.

White is the longtime leader of Citizens for Balanced Use, a well-know Montana wise use group that has opposed wilderness designations, quiet trails, and forest planning. It has also opposed issues like federal management of wolves and the transfer of bison to American Indian reservations in the state.

White has presented many times on the ideological justifications for his and CBU's anti-environmental stances and the underlying conspiracies he believes are driving environmental regulations and policies.

Particularly, White subscribes to a one-world-government conspiracy that wealthy elites (in White's version it's environmentalists) are taking over the world through groups

like the United Nations and environmental initiatives like the Yellowstone to Yukon Initiative.

The Yellowstone to Yukon Conservation Initiative (Y2Y) seeks to maintain and protect a large wildlife corridor. Today, conspiracies about Y2Y are frequently combined with fears of Agenda 21, a United Nations document that promotes sustainability and planning.

White has taken these conspiracies and applied them to Montana. He claims environmentalists want to kick out all the humans between the Yellowstone and Yukon National Parks and take the area back to how it was before humans were in those areas.

White has claimed, "Agenda 21 is the most aggressive attack on our country and personal freedoms we as a nation have ever experienced. Population control, private property control, energy control, food control, etc. Learn what Agenda 21 is and you will be alarmed and angry."

Recently, White has helped promote "coordination," a new name for the county supremacy beliefs found in both the wise use and anti-government movements. "Coordination" is a convoluted notion that is used to try to justify counties acting outside of federal law, policy, and jurisdiction.

White has used "coordination" to attack the National Environmental Policy Act, promote Jefferson County "coordination" efforts, and support the "coordination" bill by state Sen. Greg Hinkle (R-Thompson Falls) during the 2011 Montana Legislature.

White is hoping to capitalize on his lobbying and activist experience in a bid for a seat in the Montana House. □

## NETWORK RELEASES 2011 MONTANA LEGISLATIVE VOTING RECORD

There was a clear winner in the 2010 General Election—a slightly re-packaged version of right-wing politics based on fear, resentment, and anger. At the national level, Republicans rode the wave of Tea Party belligerence to a majority in the US House and added six seats to their US Senate total. When it came to the Montana Legislature, these backlash politics were readily apparent.

For nearly a decade, both chambers of the Montana Legislature were fairly evenly divided between Democrats and Republicans. For example, the 2009 session found the House tied 50-50 between the two parties, and

the Senate featured a Republican majority of 27-23. The 2010 General Election drastically altered the legislative landscape, especially in the House. The election gave Republicans control in the Senate by a 28-22 margin, and they gained 18 seats in the House for a 68-32 majority.

Many of these Republicans, especially in the House, came directly from Tea Party circles. Those who didn't still couldn't help but notice the influence of right-wing forces. The GOP endured a 2010 Primary Election season where some districts had as many as four people vying for the Republican nomination. As

usual, it was rare that any of the candidates ran as moderates. Instead, they courted the right wing of the party. Those who won their primaries, or were watching, saw the writing on the wall—the Republican Party was serving Tea.

This hard-right influence was easy to see during the 2011 Montana Legislature, and the Network had never encountered so many bills with anti-government beliefs masquerading as public policy proposals. There were so many bills promoting so-called “states’ rights,” nullification of federal law, and secession that some-  
*(Record, continued on page 11)*

*(Cebull, from page 12)*

dent Obama and asked the Ninth Circuit to investigate the incident.

From the time that the story broke, the Network's position was that Cebull was no longer fit to be a judge. The Code of Conduct holds judges to incredibly high standards. It takes into consideration both reality and perception. In other words, the Code doesn't just apply to the content of the e-mail itself. Instead, the Code also deals with the perception that Cebull's action created. The Network believes his public display of bigotry and prejudice has done irreparable harm to his reputation. Regardless of his intentions, this incident has given the public good cause to question Cebull's integrity, fairness, and impartiality.

The Network wasn't alone in its criticism of Cebull. Members of the US House Judiciary Committee have asked their chairman to hold a congressional hearing into the matter. The chair of the Congressional Black Caucus, US Rep. Emanuel Cleaver (D-MO), said Cebull's behavior was “beyond disrespectful and ignorant.” Similarly, US Rep. Charles Gonzalez (D-TX), chair of the Congressional Hispanic Caucus, said Cebull's actions were “indefensible and deeply disturbing.”

Newspapers from across the country called on Cebull to resign. His hometown newspaper, the *Billings Gazette*, editorialized that his “image will be stained with the ugly truth” of this incident and called on him to do

the honorable thing and resign. The *New York Times* echoed that opinion, stating Cebull had “exacerbated doubts about his judicial temperament” and that he needed to step down. Many other publications issued similar statements.

In response to community members wanting to take action, the Network launched an online petition following the initial *Tribune* article where people could add their name to the chorus calling for Cebull's resignation. Eventually, the petition received almost 3,000 signatures. In mid-March, the Network sent the petition, signatures, and a strongly-worded cover letter to Cebull. The letter ended by stating:

“You [Cebull] are no longer fit to serve the people of Montana as a district judge. We formally ask you to do what is necessary to protect the integrity of our court system. You need to resign.”

In early April, Chief Judge Alex Kozinski of the US Ninth Circuit appointed a special committee to investigate the allegations of misconduct by Cebull. The panel is comprised of Kozinski, two Circuit Court judges, and two District Court judges. The committee has the power to subpoena information, and it may hold hearings. When the committee concludes its investigation, it will file a report that includes its findings and recommendations with the Ninth Circuit. □

(Record, from page 10)

times it was difficult to remember this was the Montana Legislature and not a documentary on the History Channel about the Civil War.

In some cases, these right-wing bills failed to make it through the legislative process. They died in committee or on floor votes. Other times, the Republican majority passed disturbing proposals that Gov. Brian Schweitzer ultimately vetoed. However, during the session, the GOP employed a rarely-used strategy to avoid the veto pen. The Montana Legislature has the ability to refer statutory measures directly to the ballot as referenda through a simple majority vote of both chambers. Republicans used this process to refer five measures to the 2012 ballot (see related article on page 1).

While Montanans will have to vote on the right-wing referenda and some bad bills became law, the 2011 session could have been much worse. It wasn't by chance that numerous proposals were defeated. At various points during the session, moderate Republicans joined forces to stand up to the radical members of their own caucus. Additionally, Montanans took many opportunities to express their disgust with what the legislative majority was doing.

There were four major rallies held during the session and many more days of action at the Capitol by individual organizations. Thousands of Montanans joined union workers, women's rights activists, human rights supporters, community organizers, and others to pressure lawmakers to abandon policy based on extremist ideology and, instead, conduct the state's business in a manner that benefited all Montanans. These rallies, and the consistent civic engagement of Montanans from across the state, helped stop many bad proposals and provided public support for the governor's vetoes.

The legislative majority may have selected Tea as their beverage of choice; however, Montanans time and time again articulated that they wanted a different type of refreshment.

The Network's 2011 voting record shows how Montana's representatives and senators voted in agreement with the Network's position on numerous bills. The Network's entire 2011 voting record can be found at: <http://www.mhrn.org/publications/2011%20Vote%20Record.pdf>. If you would prefer to receive a hard copy, please send us \$3.00, and we'll drop one in the mail to you.☐

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## NETWORK FILES ETHICS COMPLAINT AGAINST FEDERAL JUDGE

In early March, the Human Rights Network filed an ethics complaint with the US Ninth Circuit Court of Appeals that claims Montana's chief federal judge, Richard Cebull, violated the Judicial Code of Conduct and the public's trust. The Network's filing followed Cebull's circulation of a racist and misogynistic e-mail (see inset box for the text) from his official e-mail address during regular business hours. The Network is asking the Ninth Circuit to call for Cebull's resignation.

The *Great Falls Tribune* initially broke the story at the end of February, and the Network was the first organization to publicly denounce Cebull's action. Following the initial article, media outlets from across the country began reporting on the incident, and the Network received hundreds of calls and e-mails from people outraged that a federal judge would circulate such bigoted material.

Cebull's rationale for sending the e-mail did nothing to quell the controversy. He admitted he sent out the e-mail. He even agreed that the content was racist, which the Network believes is a clear violation of the Code of Conduct for federal judges. Cebull's "defense" was that he didn't circulate the e-mail because it was racist. Instead, he said he sent it because he is "not a fan of our president," and the e-mail was "anti-Obama." In trying to defend his actions, Cebull violated another portion of the Code of Conduct which forbids judges from engaging "in partisan political activity or making inappropriately partisan statements." Cebull did apologize to Presi-  
(*Cebull, continued on page 10*)

### JUDGE RICHARD CEBULL'S OFFENSIVE E-MAIL

**From:** Richard\_Cebull@mtd.uscourts.gov  
**Sent:** Monday, February 20, 2012 3:43 PM  
**Subject:** Fw: A MOM'S MEMORY

Subject: Fw: Fwd: A MOM'S MEMORY

Normally I don't send or forward a lot of these, but even by my standard, it was a bit touching. I want all of my friends to feel what I felt when I read this. Hope it touches your heart like it did mine.



*Judge Richard Cebull*

This is so beautiful....

A little boy said to his mother; "Mommy, how come I'm black and you're white?" His mother replied, "Don't even go there Barack! From what I can remember about that party, you're lucky you don't bark!"

## MONTANA HUMAN RIGHTS NETWORK

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