

ACLU Montana

WINTER 2025



www.aclumontana.org

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HELLO ACLU FRIENDS AND SUPPORTERS,

As we find our Nation again on the precipice of drastic change, I want to remind all of you that amid uncertainty, one thing remains unchanged: ACLU of Montana's dedication to freedom, justice and liberty for all.

Before we knew the outcome of the 2024 presidential election, we shared this message: "At the ACLU of Montana, we remain steadfast in our commitment to defending and preserving the civil rights of all Montanans and doing so in a bold and lasting way." And now that we know the disheartening reality of the presidential election outcome, and as President-elect Trump has promised to aggressively attack civil liberties, I want to reiterate that the ACLU of Montana is still here and is prepared to use every tool at our disposal to protect our shared civil rights.

Whatever the future brings, the ACLU of Montana will endeavor to protect Montanans' liberties in the coming weeks, months and years.

Since 1972, the ACLU of Montana has worked in the courts, the Montana legislature, and communities across the state to protect and expand civil rights. And no matter who holds the presidency or how great the threat, we will continue to hold government accountable as we work towards the promise of a more just and equitable union. To that end, in the following pages you will learn more about our plans to protect civil rights in the 2025 Montana legislative session.

Heading into the upcoming session we have cause to celebrate several meaningful pro-civil rights electoral

outcomes, including the landmark passage of a constitutional initiative enshrining the right to abortion in our state constitution. In the following pages you will learn more about the countless hours we dedicated to the CI-128 initiative as well as the voter education efforts we undertook to ensure Montana voters were able to make informed decisions when casting their vote for Montana Supreme Court and legislative candidates.

In this fraught time, our mission at the ACLU Montana is more vital than ever, and our well remains deep. No matter the challenges we face, we must not be defeated. Together we will persevere, with integrity and hope, while grounding our work in care. To accomplish this, we need you to join us as we heed the call of the day — nourishing the roots of change to grow a fairer and more just Montana for the safety, protection, and enjoyment of generations to come.

With enduring hope and never-ending resolve,



Akilah Maya Deernose
Executive Director

2024 ELECTION REFLECTIONS

KHADIJA DAVIS

ACLU OF MONTANA POLITICAL STRATEGIST

Many of us were left shaken by the results of the 2024 Election.

Nevertheless, we want you to know that we remain here and are prepared to fight for the rights of Montanans in the immediate future and the years to come. In these times of radical change, the ACLU of Montana will continue to fight for equity and justice for all.

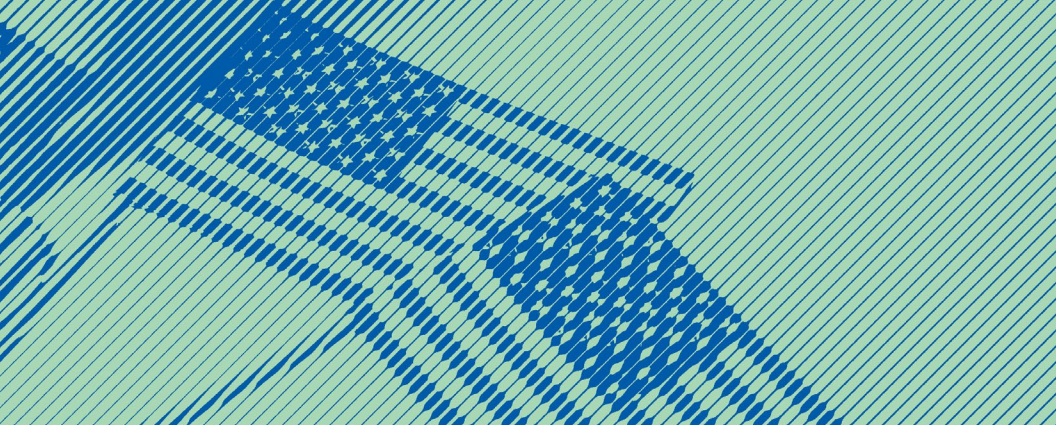
That commitment is more important than ever in the wake of the 2024 election. Across the country and within Montana we saw candidates elected to positions of power who have demonstrated time and time again that they do not value the civil liberties of their constituents. This is a hard reality to face, and we encourage everyone to take care of yourselves and your communities as we enter into this new political realm.

In the midst of this challenging time, there are some bright spots too. In the 2024 election cycle, the ACLU of Montana worked to ensure that Montana voters were informed about Montana Supreme Court candidates.

In that regard, Montanans will see two new Justices sit on the Montana Supreme Court. Justice Cory Swanson will serve as Chief Justice and Justice Katherine Bidegaray will serve as Associate Justice.

“We at the ACLU want to you to know that we are here and will continue to be here.”

Associate Justice Katherine Bidegaray made it clear that she is committed to protecting Montanan’s constitutional rights. She pledged to continue to uphold the precedent of *Armstrong v. State*, a 1999 Montana Supreme Court case holding that the state constitutional right to privacy includes the right to abortion. When asked, Justice Bidegaray also said she agreed with the ruling of *Western Native Voice v. Jacobsen*,



a landmark court case holding that limiting access to the ballot for Indigenous voters violated the Montana Constitution.

Another enormous victory for Montanans was the passage of CI-128, a citizen-initiated ballot measure. On election day, a resounding majority of voters showed up and made clear their desire to amend Montana's Constitution to include the right to make and carry out decisions about one's own pregnancy, including the right to abortion. The ACLU of Montana is proud to have been part of the Montanans Securing Reproductive Rights (MSRR) Executive Committee, the campaign responsible for passing the amendment. Although we faced many legal challenges throughout the ballot initiative process, we were able to get this measure across the finish line thanks to the overwhelming enthusiasm and support of Montanans.

To that end, MSRR made history by collecting over 117,000 signatures the most signatures for a single ballot initiative in Montana history. Montana, along with Missouri, Arizona, Colorado, Maryland, New York and Nevada, all passed ballot



ACLU of Montana staff signing MSRR petition at campaign launch party.

measures that protected bodily autonomy and the right to choose for constituents of those states.

By highlighting these wins, our intention is not to shy away from or ignore the fact that civil liberties are still very much on the line, but to demonstrate that when we remain steadfast to our mission, there are still paths to victory.

Though many of us are feeling isolated and withdrawn, now more than ever is the time to lean into community and work together to create an equitable future for those in our state and across the nation. We will continue to be fierce defenders of justice and we ask you to join us for the long haul.

UPCOMING LEGISLATIVE SESSION FORECAST

HENRY SEATON

ACLU OF MONTANA LOBBYIST

As we head into the 2025 legislative session, protecting the constitutional rights of Montanans in the state has never been more important.

With a second Trump presidency threatening civil liberties every day, our lobbying team will be working tirelessly to blunt the impact of hateful policies during the legislative session.

The Montana Legislature convenes every other year from January to May. As we approach the next legislative session, convening on January 6, 2025, we have already begun to see President-elect Trump's influence on our state legislature. Bills attacking marginalized communities are already being drafted, and throughout the interim the judicial branch has unnecessarily been under constant and withering scrutiny. At the same time, we have also seen champions of civil rights get elected and re-elected to the Montana Legislature, and their continued commitment to protecting vulnerable Montanans gives us hope and a path to victory.

Based on our expertise, partnerships, and a refined strategy, we are focusing our top tier legislative efforts on four primary issue areas as follows.

Decriminalizing Poverty

Across Montana the criminalization of poverty has become more and more common. With bills focused on extreme punishment for activities related to surviving while experiencing poverty already the ACLU of Montana is fully prepared to combat any bill attempting to further disparage low-income Montanans. The ACLU of Montana also plans to support bills that help create a path to decriminalization of poverty.

2S-LGBTQIA+

The 2023 Legislative session saw an onslaught of attacks on the 2S-LGBTQIA+ community. From banning gender-affirming care to targeting drag performances, during the 2023 session many legislators tried to effectively penalize the experience of being 2S-LGBTQIA+. The ACLU of Montana is committed to protecting the rights of queer and trans people in all aspects of life and is prepared to challenge any legislation singling out queer Montanans for discriminatory treatment.

Indigenous Justice

The ACLU of Montana is dedicated to support Indigenous voices in securing and enshrining rights in several legislative spaces such as childcare, voting rights and education. We intend to make strides on issues where we have already seen success, like improving the Montana Indian Child Welfare Act (MICWA). In that vein, we hope to make improvements to Indian Education For All (IEFA), to ensure Montana's children receive accurate lessons on the history of our state, and so that Indigenous students see themselves and their history represented.

Protecting Democracy

Ensuring a fair and free judiciary is the cornerstone of an effective democracy, and the ACLU of

Montana will vigorously oppose the latest attempts to undermine, subvert and denigrate the quality of our judicial branch. When the courts become politicized, all Montanans suffer, especially the marginalized and oppressed. As such, the ACLU of Montana has decided to make protecting the judiciary a priority issue area.

For 2025, our strategy is to remain steadfast for civil rights and civil liberties against any that would try to take those rights away from us; partner with allies to bring important perspectives and lived experiences into the chambers; build support across partisan lines to create a better Montana for all; and continue to protect civil rights and liberties across all branches of Montana's government.

ACLU of Montana staff gathered together during the 2024 Jeannette Rankin Civil Liberties Awards event.



LEGAL DEPARTMENT ROUNDUP

ALEX RATE

ACLU OF MONTANA INTERIM DEPUTY DIRECTOR & LEGAL DIRECTOR

It has been an extraordinarily busy year for our legal team as we continue to push back against wave after wave of attacks on our civil rights, while also supporting our electoral and legislative teams. The good news is that the courts continue to faithfully interpret and apply our Montana Constitution, which means that impacted and marginalized communities can still rely on at least one branch of government to protect their rights against government encroachment.



Advocacy, Advocacy, Policy & Organizing (APOD) Director Sharen Kickingwoman offers remarks for a Montanans Securing Reproductive Rights rally in Helena.

In the wake of the 2024 election, and with the 2025 legislative session right around the corner, the protections guaranteed by our unique Montana Constitution have never been more important. With specific provisions recognizing the right to privacy, the right to individual dignity, and equal protection of the laws, our modern Constitution exists as a critical bulwark against majoritarian oppression. Our legal team will continue to zealously protect the rights of our clients in the courts, as we have done for the last fifty years in Montana.

The following are some examples of the cases that the ACLU of Montana has recently litigated:

ABORTION ACCESS

In collaboration with our allies at the Center for Reproductive Rights, in *All Families Healthcare v. Montana* we asked a Montana state court to block a series of new restrictions that were issued in September 2024 by the Montana Department of Public Health and Human Services (DPHHS). DPHHS created the rules after the 2023 Montana Legislature passed House Bill 937, which singled out abortion clinics for onerous and unnecessary licensing

requirements. A court order issued in 2023 prevented HB 937 from being enforced immediately. In October 2024, we asked the Court to block the rules on an emergency basis before they took effect. On November 15, 2024, the District Court Judge granted that request, meaning that the restrictions will remain blocked as the case proceeds.

We are also working with the Center for Reproductive Rights and Planned Parenthood in *Planned Parenthood et al. v. State of Montana* to challenge various regulations aimed at restricting reimbursement for Medicaid eligible individuals seeking abortion care, effectively creating an abortion ban for the most vulnerable Montanans. This year, a District Court enjoined the enforcement of the Medicaid restrictions pending the ultimate resolution of the lawsuit. With the passage of CI-128, which enshrines the right to an abortion in our Constitution, we will continue to utilize the courts to ensure that Montanans are able to access abortion care, free from government intrusion.



Legal Director Alex Rate tables at an ACLU event in Missoula

2S-LGBTQIA+ RIGHTS

After the state Legislature enacted numerous laws targeting transgender Montanans in 2021 and 2023, our legal team filed cases to vindicate our clients' rights. In *Cross et al. v. State of Montana et al.* (formerly *van Garderen et al. v. State et al.*) we challenged a draconian law that bars medically-necessary gender affirming care for transgender minors. With assistance from our national partners and Lambda Legal, we successfully obtained a preliminary injunction against the law, allowing our clients and transgender kids across the State to continue accessing this critical form of healthcare.

In *Kalarchik v. State of Montana* we are also working with our national partners to challenge a new regulation barring amendment of important identity documents, birth certificates and drivers' licenses, by transgender Montanans. These policies and rules violate our clients' rights to equal protection and privacy.

Finally, in *Cloverdale et al. v. State of Montana*, we successfully challenged a new law seeking to write transgender Montanans out of the Montana Code. The law SB 458, attempted to define the term "sex" throughout the Montana Code as binary, either male or female. With enormous assistance from our friends at Holland and Hart, we successfully persuaded the Court to strike down the new law in its entirety.

INDIGENOUS JUSTICE

We continue to use our courts to breathe new life into our constitutional and statutory “Indian Education” provisions, which require the State to recognize the distinct cultural heritage of American Indians in Montana public schools. Our lawsuit, *Yellow Kidney et al. v. State of Montana et al.*, asks the courts to require the Montana Office of Public Instruction to rigorously monitor and enforce the constitutional and statutory guarantees of “Indian Education.”

These are but a few examples of the ways that the ACLU of Montana utilizes the courts to protect our civil rights and civil liberties. From free speech to voting rights; from the right to privacy and the right to petition our government; the ACLU will forever advocate for your rights in Courtrooms across the State.

You can find more examples of our casework online at:

▶ [ACLUMONTANA.ORG/CASES](https://aclumontana.org/cases)

The ACLU of Montana is focused on legal work that has the greatest collective impacts on civil rights in our state. The ACLU of Montana is not a direct service provider or a legal services organization, which means we cannot take on every case we learn about, and we often cannot provide legal advice, legal aid or other direct services. For those types of resources and services, we encourage people to visit:

▶ [MONTANABAR.ORG/FOR-THE-PUBLIC/LEGAL-RESOURCES-FAQS](https://montanabar.org/for-the-public/legal-resources-faqs)

Outside of the courts, we work with partner organizations and community members to advocate for laws and public policies that align with our mission and vision, which you can find on our website at:

▶ [ACLUMONTANA.ORG/EN/MISSION](https://aclumontana.org/en/mission)

ACLU MONTANA STAFF ANSWERS “WHAT ARE YOUR HOPES FOR THE COMING NEW YEAR?”



Akilah

“My hope is that we, as a community, seek and uplift universal truths that unite us and steer clear from false narratives seeking to divide us.”



Alex

“Keep plugging holes in the leaky dam sitting upstream of democracy.”



Michelle

“In 2025, I hope to show up fully for myself, my community, and my coworkers as we navigate a challenging legislative year with leaders who may work against civil liberties. I personally hope to create a more restorative and inclusive home, rooted in resilience and collective care.”



Sharen

“To remember that there is always hope, and it’s up to us to create it, cherish it, and share it.”



Chase

“My hopes for 2025 are to thrive amidst the chaos and to find happiness and joy in the moments where hope is lacking. I will create art that is deeper and more meaningful than I’ve created before, in this landscape we are walking into, the world will need artists and art.”



Krystal

“To have gratitude for the small things and finding moments of joy during trying times.”



Khadija

“My hopes and aspiration for 2025 are to work on fun arm balances in my yoga practice, engaging in deep community building spaces, and prioritizing radical self-love and care. I also want to be a grounding source of support for my coworkers so we can show up as our best selves throughout the entirety of the 2025 legislative session.”



Henry

“I only hope to survive legislative session. Maybe eat more vegetables.”

SUPPORT OUR WORK

Make a tax-deductible contribution to the ACLU of Montana Foundation today and protect the civil liberties of people across Montana and across the nation.



DONATE ONLINE

If you'd like to make an online one-time tax-deductible donation by credit card (Visa, Mastercard, American Express, and Discover), you can simply go to

▶ [ACLUMONTANA.ORG/DONATE](https://aclumontana.org/donate)



DONATE BY MAIL

You can send checks via U.S. Mail to:

ACLU of Montana
PO Box 1968
Missoula, MT 59806

Please make checks payable to: ACLU of Montana Foundation



DONOR ADVISED FUNDS

The ACLU Foundation is a 501(c)3 organization and, therefore, eligible to receive distributions from most Donor Advised Funds.



DONATIONS OF STOCK

Because electronic transfers are made without identifying the donor, please alert us in advance about the stock and the number of shares you plan to give or instruct your broker to do so. You may do so by emailing Michelle Cares, Director of Finance & People Operations at Michellec@aclumontana.org with the subject line "Stock Donation" or calling (406) 203-3376. If you would like to make a gift of securities, instruct your broker to...

DONATIONS OF STOCK (CONT.)

...transfer stock to the ACLU Foundation of Montana through our broker, DA Davidson:

DTC Number: 0361

Account Name: ACLU Foundation of Montana

Account Number: 11249080

Firm Name: DA Davidson



IRA CHARITABLE ROLLOVER

The IRA Charitable Rollover was made permanent for 2015 and beyond through a provision of the “Protecting Americans from Tax Hikes Act of 2015”.

This allows people age 70½ or older to make direct transfers up to \$100,000 per year to charitable organizations from their Individual Retirement Accounts, without the withdrawal being treated as taxable income.

-From which accounts can I make transfers?

Transfers must come from your Individual Retirement Account(s) directly to the ACLU of Montana Foundation. The Charitable Rollover does not apply to 401(k), 403(b), or other retirement plans.

-To which organizations can I make gifts?

You may make gifts to tax-exempt, 501(c)(3) organizations, including the ACLU of Montana Foundation.

-How do I make an IRA Charitable Rollover?

Contact the financial institution that holds your IRA about how to instruct them to make a direct charitable transfer. You may instruct them to make a distribution to American Civil Liberties Union of Montana, PO Box 1968, Missoula, MT 59806 Tax ID 81-0445339. Please notify us if you would like a sample letter of instruction to send to your financial institution.

Benefit of Giving from Your IRA:

Giving directly from your IRA to the ACLU of Montana Foundation is not considered a taxable withdrawal. These gifts will be tax free.

Please note: This information is not intended as tax or legal advice. We recommend that you consult with your legal and financial advisors to learn how a gift would work in your circumstances. Laws and regulations governing all gifts and availability of certain life income gifts vary by state.



LEGACY GIFT | PLANNED GIVING

Providing a future gift to the ACLU of Montana can be an opportunity to advance the values that have been most important to you in your life. You can continue the fight for justice, equality, and fairness for future generations. The ACLU offers numerous opportunities for planned giving.

If you'd like to learn more about your options, please contact Michelle Cares, Director of Finance & People Operations at michellec@aclumontana.org, or by calling (406) 203-3376.



LEGACY GIFT | TAX DEDUCTIBLE TRIBUTE

To make a tribute gift, in honor of someone's memory, please mail a check to our office at: ACLU of Montana, PO Box 1968, Missoula, MT 59806. Tribute gifts processed using the national ACLU online donation form are not tax-deductible.

General Giving Information and FAQ

Organizational Tax IDs

ACLU of Montana Foundation Tax ID #: 81-0445339

American Civil Liberties Union of Montana Tax ID #: 81-0431527

What is the difference between the ACLU of Montana foundation and the ACLU of Montana?

The ACLU of Montana Foundation is a 501(c)(3) nonprofit corporation. Foundation gifts fund our litigation and public education efforts. Gifts to the ACLU of Montana Foundation are fully tax-deductible to the donor.

The ACLU of Montana is a 501(c)(4) nonprofit corporation, but gifts to it are not tax-deductible. This is the ACLU of Montana membership organization, and you have to be a member to get your trusty ACLU card. 501(c)(4) monies fund our legislative lobbying and electoral work--important work that cannot be supported by tax-deductible funds.

If you prefer to make a tax-deductible gift, we encourage you to support the ACLU of Montana Foundation. Gifts to the Foundation support our litigation, communications, advocacy, and public education efforts. Many donors choose to make their larger tax-deductible gifts to the ACLU of Montana Foundation, but also choose to make nondeductible monthly donations to become sustaining members of ACLU National. This allows them to maintain their “card-carrying” membership status with the ACLU and support our important lobbying efforts.

Why do you keep directing me to the national ACLU website and contact information for all membership-related inquiries?

All memberships are handled by the national ACLU office. By being a card-carrying ACLU member, you’ll automatically be part of the national ACLU and the ACLU of Montana affiliate.

If you would still like to reach out to our office directly, please don’t hesitate to contact us at any time!

Have Other Questions About Making a Gift to The ACLU of Montana?



CONTACT

Michelle Cares

Director of Finance & People Operations

michellec@aclumontana.org

(406) 203-3376

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