

ONE MONTANA VOICE

Courting mayhem

Last Friday, the Republican leaders of Montana's Legislature announced their #1 priority for this session: judicial reform.

Amazing. With housing unavailable or unaffordable, property taxes onerous, schools woefully underfunded, health care access at risk ... continuing the attack on Montana's courts is "top of mind"?

"This is not a red or blue issue," the Senate president as-

sured us. "This is really about the legislative branch legislating, the executive branch executing, and the judicial branch adjudicating."

Horse-pucky. This is entirely a red issue, as in "red-in-the-face"

And it's really about a few legislators' hubris. Follow the bread crumbs back in time.

Last session the Legislature's legal division, funded by our taxes, told legislators that various bills raised constitutional issues. The Legislature passed them anyway, essentially saying, "Let the courts decide" ... and increased its litigation budget 35%.

Predictably, various bills were challenged in court and our taxes paid to defend the Legislature's indefensible stances. Predictably, the court confirmed various bills were indeed unconstitutional.

Did the Republican leaders then accept what both its own legal division and the courts had told them? Just the opposite. Game on.

Having prejudged the courts' "egregious overreach," they created a select committee on judicial reform — again at taxpayer expense. For the appearance of balance, they invited Democrats to participate. Democrats, however, learned their lesson participating in a similar exercise in 2021. Their "participation" would be token; their concerns, ignored. They declined the invitation.

The committee had 12 meetings between April and December of 2024. I stopped following them after the first session, when one legislator asked whether you quashed or squashed a subpoena and another one, who had actually voted to confirm a regent's appointment a year earlier, asked, "Who appoints the regents?"

Apparently 12 meetings was all these demigods needed to acquire the expertise mere mortals spend three years in law school acquiring. Ultimately they drafted some 27 bills to bring to this session to "reform" the courts.

Some proposals are benign; some are downright malignant. The common thread among them, other than significant added expense and delay in judicial decision-making? "You messed with us; now we're gonna mess with you." Examples:

Your Office of Disciplinary Counsel found our Attorney General's performance unprofessional? We're gonna make him immune from disciplinary action.

You interpret the constitution to thwart our wishes? We'll have the governor appoint a three-

judge chancery court to make those interpretations from now on — and pay them 20% more than you make.

You sit in judgment on our decisions, making us look bad? We're going to appoint a commissioner to sit in judgment on you ... the year before you seek reelection.

Higher and higher the proposals for retribution and power-grabbing stack up. Some of these bills will pass; most won't. But with 27 bills to hear, discuss, and debate, a lot of mud will be slung at the judiciary and the legal profession itself. Some of it will stick. A disinformation campaigner's dream ... at our expense, both fiscally and socially.

"Disinformation is more than just lying," former Congressman Will Hurd once observed. "It's the denial and twisting of reality in order to present some desired image to the rest of the world."

What's the Republican leadership's "desired image"? On the surface, it's a judiciary you can't trust. But our courts just call balls and strikes; our constitution sets the strike zone. If these bills pass, after all these added layers of bureaucracy, after all this expense on our dime, some newly "reformed" court is going to tell them the same thing this one did: With this bill or that one, you struck out.

Game on: Then they'll go after our Constitution.

Mary Sheehy Moe is a retired educator and former state senator, school board trustee, and city commissioner from Great Falls. Now living in Missoula, she writes a weekly column for Lee Montana.

LETTER TO THE EDITOR

Solid facts are missing

In an opinion piece Mr. John Lott quotes: "Most peer-reviewed academic research contends that each additional exe-

change in the murder rate following a change in the state's death penalty law can be attributed to the law change.

However, professional statisti-

ana, Alabama, New Mexico, and Missouri — all but New Mexico have a death penalty law. Of the five states with the lowest homicide rates (per 100,000) — New



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