

Spartans denied

Bozeman knocks off Sentinel 28-21 in AA football semifinals. **SPORTS, PAGE D1**

Feed the hungry

Local food banks get \$229K from 79 state organizations **MONTANA, PAGE B1**



Grizzlies Game Day

Jesse Sims lives up to legacy

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TOM BAUER, MISSOULIAN

The University of Montana plans to build the new Montana Museum of Art and Culture building on the site of the historic Berry-Tremper House, at left, on campus at the corner of University and Arthur avenues. The new Montana Heritage Pavilion will house the museum's 11,000-item collection.

Museum on the way

UM picks central site for Montana Museum of Art and Culture

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The University of Montana plans to build the Montana Museum of Art and Culture's permanent home at the intersection of University and Arthur avenues, where the flagship says it "will serve as a gateway entrance to the UM campus."

Building this 11,500-square-foot center, the Montana Heritage Pavilion, would cost \$6 million — all private donations — and require the sale and relocation of a century-old house. UM is now asking the state university system's Board of Regents to approve spending authority for the project.

Jeremy Canwell, the museum's curator of art and exhibitions coordinator, said Friday the new building "would be more centrally located in terms of the layout of campus."

"I think having the galleries

in sort of a peripheral building at the north end of campus has been sort of a stopgap measure and not ideal in terms of accessibility," Canwell said.

The museum currently exhibits tiny selections from its 11,000-item collection in gallery space located in the PAR-TV building's two galleries. Last month, it announced that a \$5 million donation from the Payne Family would help fund a permanent on-campus home.

"I wouldn't hazard a guess as to what percentage of the collection (the new building will) allow us to show," Canwell said, "but it'll certainly allow us to be much more nimble and dynamic in terms of what we're able to offer."

The museum is expected to begin operations in its new location by fiscal year 2023, and it's estimated to cost \$140,000 per year to operate initially. "No state funds will be used in supporting the (operations and maintenance) costs," UM's request to the Board of Regents states.

The proposed site is where University Avenue intersects with Arthur Avenue and turns into a pedestrian walkway through campus, pointing straight towards the Oval and Main Hall. It's not yet clear how the new building will fit with this entryway, but in an Oct. 18 campus-wide email, vice president for operations and finance Paul Lasiter wrote that the intersection "has the potential to be an attractive campus entrance that appropriately showcases the splendor of our university to prospective students and their families."

While the new museum's design and exact footprint isn't yet known, UM says that the project will involve selling and relocating the Berry-Tremper House. This 1918 brick house northeast of the intersection hosted the Native American Studies department until 2010 and is now home to the O'Connor Center for the Rocky Mountain West.

Matthew Frank, a fellow in regional journalism there, wrote in an email that "we're

jazzed this project gives the region's rich art and culture more prominence on campus. We'll miss this old bungalow when the time comes to pack up and relocate, but the O'Connor Center's work will continue no matter where we're housed on campus."

The Berry-Tremper house is a contributing element of the University of Montana Historic District listed on the National Register of Historic Places. UM's request stated that "the building will be sold and moved according to guidance from the Board of Regents, the State Historic Preservation Office, and the Missoula Historical Preservation Commission."

The Board of Regents' Budget, Administration and Audit Committee will discuss UM's proposal at 10 a.m. Thursday, Nov. 21, in Bozeman. For a live stream of the meeting, visit mus.edu/board/ and click on "Meeting Agenda Logistical Information."

Museum director H. Rafael Chacón was not available for comment Friday.

"We're jazzed this project gives the region's rich art and culture more prominence on campus. We'll miss this old bungalow when the time comes to pack up and relocate, but the O'Connor Center's work will continue no matter where we're housed on campus."

— **Matthew Frank**, a regional journalism fellow at the O'Connor Center for the Rocky Mountain West, on the plans to build the Montana Museum of Art and Culture on the University of Montana's campus

Bears still in danger, some say

Scientists call for new grizzly recovery plans

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Five prominent scientists on Friday urged state and federal officials to pump the brakes on efforts to remove grizzly bears from protections offered under the Endangered Species Act, and update grizzly recovery plans.

Pointing to the second straight year of record-high grizzly mortalities in the Northern Continental Divide Ecosystem, large wildfires, a changing climate that's stifling food sources and landscapes crisscrossed with everything from Forest Service roads to highways, the "region's most iconic species' long-term survival is tenuous," longtime grizzly bear advocate Mike Bader told about 50 people gathered at the University Center in Missoula.

"Grizzly bear management in the Rocky Mountains has long been an exercise in political appeasement of economic interest," he said. "The best available scientific information is ignored or cited out of context to suit management prerogatives. Agency scientists and decision makers are now shackled by an unprecedented exploitative agenda."

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Court rules drug fine unconstitutional

35% fine on drugs is denied by judges

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The Montana Supreme Court has ruled unconstitutional a mandatory 35% fine that's been on the books for certain drug cases since 1995.

The ruling Tuesday came in a case in which a couple was pulled over in 2016 in Dawson County for speeding. Troopers found 144 pounds of marijuana in the trunk and back seat.

The passenger, Ber Lee Yang, ultimately pleaded guilty to drug possession and was fined \$75,600, or 35% of the market value of the drugs.

"It's a punitive thing," said Yang's attorney, Penelope Strong. "It's a knee-jerk thing."

Yang's case marked the second time Strong has challenged the 35% fine before the Montana Supreme Court. The fine applies to convictions for possession or storage of dangerous drugs.

In the majority opinion signed by four justices, the court found the mandatory fine was unconstitutional in all cases because it doesn't permit judges to consider

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Kavanaugh avoids controversy in first major appearance

MARK SHERMAN
Associated Press

WASHINGTON — Justice Brett Kavanaugh called himself grateful and optimistic Thursday, avoiding controversy in his first major public appearance since his stormy Supreme Court confirmation a year ago.

The 54-year-old Kavanaugh chose a friendly audience for his remarks, a dinner of more than 2,000 members of the Federalist Society at Washington's Union Station. The conservative legal organization has championed judges appointed by President Donald Trump, including Kavanaugh and Justice Neil Gorsuch.

He spoke mainly of gratitude in a talk that lasted less than 30 minutes, peppered with sports references, praise for his colleagues and humor.

The justice said friends "paid a heavy price, too heavy a price" for their support during the hearings, including losing business and being insulted and threatened. "I'm well aware of that and it pains me daily," he said.

Kavanaugh largely avoided references to his angry denial of allegations that he sexually assaulted Christine Blasey Ford when they were both teenagers. He was confirmed 50-48, largely along party lines.

The liberal activist group Demand Justice, which wants Con-



Kavanaugh

gress to impeach Kavanaugh, placed a huge video screen outside the station that played Ford's testimony. A long line of dinner guests, many in tuxedos and gowns, snaked past women dressed in red robes, like characters from Margaret Atwood's dystopian novel "The Handmaid's Tale."

Police escorted a few protesters from the station at the start of his talk.

Unlike past dinners featuring justices and other prominent political figures, Thursday's talk was not aired on C-Span or live-streamed. But it was open to press coverage and still photographers. Gorsuch and Justice Samuel Alito also were at the dinner.

The new justice maintained a low profile during his first term on the court. His lone outside appearance was a conference of judges and lawyers in Chicago alongside retired Justice Anthony Kennedy, his former boss and the man he replaced on the court.

Kavanaugh described the past 18 months as eventful, including the Washington Capitals capturing the Stanley Cup and the Washington Nationals winning the World Series.

Drugs

From A1

whether the fine was excessive.

In other words, "You have to do the 'ability to pay' analysis before you impose this fine," Strong said.

Outside of free speech cases, a challenge like the one brought in Yang's case is "very rarely successful," said University of Montana law professor Jordan Gross. That's because the challengers are seeking to declare a law unconstitutional in every single case — a much broader finding than arguing someone's individual rights were violated on a specific occasion.

The court's order said the mandatory fine, which was written into state law in 1995, stands "in stark contrast" to another state law that says a judge may not order a fine unless the defendant is able to pay it.

Strong said she's seen the 35% fine play out differently across the state. For instance, she's never seen it brought into play by prosecutors in Yellowstone County, but has seen it invoked in Bozeman and in Eastern Montana counties.

Usually, she and other defense attorneys "tried to negotiate it away," she said.

Yang qualified for a public defender and relies on social security income and food stamps.

"It was very clear she simply did not have the ability to pay this fine," Strong said.

Gross, the law professor, said

the financial burden of a criminal conviction was "an important backdrop" to the Tuesday ruling. Gross said "we keep poor people poor" through the criminal justice system.

"You know, because if you saddle someone with this fine, is she going to pay it?" Gross said. "No, but she's going to live her life under the shadow of it. She might be paying, like, \$25 a month for the rest of her life."

Yang's case was charged alongside that of the driver, her ex-husband. Yang told authorities she was driving with her ex-husband from Sacramento back to Minnesota and did not discover the marijuana in the vehicle until she had already begun the drive.

The ex-husband was given a \$4,000 fine and a suspended sentence. Strong actually represented the ex-husband in district court, and was able to negotiate his charges down.

Strong did not represent Yang in the original proceeding.

"But when I saw the facts of this case, to me it cried out for an appeal," she said.

Justice Laurie McKinnon wrote the majority opinion, which was signed by Justices Mike McGrath, Jeremiah Shea and Ingrid Gustafson.

Justice Jim Rice issued a dissenting opinion, signed by Justice Dirk Sandefur.

Justice Baker wrote an opinion that partly concurred and partly dissented, which Justice Dirk Sandefur also signed.

Bears

From A1

He noted that the five scientists — Frank Craighead, David Mattson, Brian Horejsi, Lee Metzgar and Fred Allendorf — are independent from "the government chain of command," which might limit others who still work within state and federal agencies from speaking their minds.

All five agreed that for grizzly populations to thrive, the independent populations of five ecosystems need to be connected before they can be considered to be recovered from the threat of extinction. The population includes about 750 grizzlies in the Greater Yellowstone Ecosystem; about 1,000 in the Northern Continental Divide Ecosystem (NCDE); about 50 to 70 in both the Cabinet-Yaak and Selkirk ecosystems, and none in the Selway-Bitterroot Ecosystem.

Last year, the U.S. Fish and Wildlife Service put a hold on plans to possibly remove the NCDE population from protection under the Endangered Species Act, based on a federal judge's opinion involving grizzlies in the Yellowstone National Park ecosystem. Judge Dana Christensen in Missoula wrote that the government can't delist bears in one ecosystem without exploring how that might affect grizzlies in other ecosystems.

However, in October U.S. Rep. Greg Gianforte, R-Mont., met with Interior Secretary David Bernhardt on the Rocky Mountain Front to push for removal of



GRACE SILOTI

the NCDE grizzlies from the Endangered Species Act, saying the population has recovered.

"Grizzly bears are not recovered," said Metzgar, a retired population ecologist who served on the Yellowstone Grizzly Bear Population Task Force. "No existing population includes sufficient numbers to be considered recovered, no recovery zone is large enough to accommodate a recovered population and there is no evidence for natural genetic exchange among grizzly bears in all five U.S. subpopulations."

Mattson, a recently retired wildlife biologist with the U.S. Geological Survey, noted that in the early 1800s, an estimated 47,000 grizzly bears roamed across North America, but the

population dropped by 98% by the time they were listed as a threatened species in 1975. Today's population, whether it's 1,700 or 2,000, still represents only 4% of how many once were here.

"Does that constitute recovery in light of the magnitude of the losses?" Mattson asked. "It's a relatively small isolated population that also faces severe threats."

He said that some people argue that the bears' populations are increasing because they're moving out of the high country into the foothills and plains, but that might not be true. The loss of food sources from wildfires and climate change instead could be pushing them back into their historical ranges, which now are occupied by humans.

Egyptian woman fights unequal Islamic inheritance laws

NOHA ELHENNAWY
Associated Press

CAIRO — One Egyptian woman is taking on the country's inheritance laws that mean female heirs inherit half that of men.

Since her father's death last year, Huda Nasrallah, a Christian, has stood before three different judges to demand an equal share of the property left to her two brothers by their father. Yet courts have twice issued rulings against her, basing them on Islamic inheritance laws that favor male heirs.

Nasrallah, a 40-year-old Christian human rights lawyer, is now challenging the rulings in a higher court. A final verdict is expected to be handed down later this month. She has formulated her case around Christian doctrine which dictates that heirs, regardless of their sex, receive equal shares.

"It is not really about inheritance, my father did not leave us millions of Egyptian pounds," she said. "I have the right to ask to be treated equally as my brothers."

Calls for equal inheritance rights began to reverberate across the Arab world after the Tunisian government had proposed a bill to this effect last year. Muslim feminists hailed the bill.



AP

Human rights lawyer Huda Nasrallah poses for a portrait Monday at her office in Cairo.

But there has been a backlash from elsewhere in the Arab world. Egypt's Al-Azhar, the highest Sunni religious institution in the Muslim world, vehemently dismissed the proposal as contradictory to Islamic law and destabilizing to Muslim societies. But there is hope that Tunisia could have broken the taboo on the topic for the region.

Nasrallah belongs to Egypt's estimated ten million Coptic Christians, who live in a predominantly Muslim society governed by a constitution in which Islamic Shariah is the main source of legislation. Christians face restrictions in inter-religious mar-

riages and church building, and are banned from proselytizing to Muslims.

Egypt's legal system grants the Coptic church full authority over personal status matters of Copts, namely marriage and divorce. But the church does not have the same powers over its followers' inheritance rights.

One of the oldest Christian communities in the world, the Egyptian Coptic church is also deeply conservative on social matters, banning divorce except in cases of adultery or conversion to Islam.

Nasrallah says she is making her case on religious grounds because she believes the court is more likely to respect existing structures within the society. She says she is trying to capitalize on a rare Christian doctrine that respects gender equality.

Karima Kamal, a Coptic female columnist at the privately-owned al-Masry al-Youm daily, says that Nasrallah's case highlights the double discrimination that Coptic women can face in a society where religion is printed on government-issued identification cards.

"You should not implement the rules of one faith on people of another faith," she says.

Mormon leader: We didn't leave Boy Scouts, they left us

GARY FIELDS AND BRADY MCCOMBS
Associated Press

NEW YORK — A high-ranking leader with The Church of Jesus Christ of Latter-day Saints said Friday the church severed its century-long tie with the Boy Scouts of America because the organization made changes that pushed it away from the church.

"The reality there is we didn't really leave them; they kind of left us," said M. Russell Ballard, a member of a top governing panel of the church called the Quorum of the Twelve Apostles. "The direction they were going was not consistent to what we feel our youth need to have...to survive in the world that lies ahead for them."

Ballard is in New York City to lead events with young adult church members and talk about preparations for the faith's bicentennial next April.

During an interview, he talked about topics as diverse as the church's support for medical marijuana, incivility in daily life and political discord.

The Latter-day Saints decided in 2018 to cut ties with the Boy Scouts of America and begin its own youth initiative in 2020 after declining membership prompted the Boy Scouts of America to



Ballard

open its doors to openly gay youth members and adult volunteers as well as girls and transgender youth.

At the time of the announcement, church leaders emphasized the desire to have a uniform scouting-like program it could use around the world and didn't mention any philosophical differences.

The church, while moving to be more empathetic toward LGBTQ members, has maintained its stance that being in a homosexual relationship is a sin and its opposition to same-sex marriage. The church also has seen significant expansion in countries outside the U.S. where Boy Scouts wasn't offered. More than half the church's nearly 17 million members live outside the U.S. and Canada.

In another area, Ballard said the church supports medical marijuana but cautioned that its use be monitored. Medical marijuana became legal this year in the faith's home state of Utah, where the faith has 2.1 members. It's also been legal for several years in Arizona, where 432,000 church

members live.

"We think this ought to be managed under the medical profession and understand the real need and the real purpose for administering marijuana medically," he said, "but recreational marijuana, we think has consequences because addiction, one way or another, starts very subtle sometimes."

Ballard, 91, is the acting president of the Quorum of the Twelve Apostles, which is modeled after Jesus Christ's apostles and serves under the church president and his two counselors to help set policy and manage church programs. Ballard is a Utah native who has been on the top governing panel for 34 years.

In response to a question on the church's tenet on kindness, Ballard said the country's behavior needs to improve.

"We ought to be nice to each other," he said.

The people should pray that the leaders of this country feel the urgency and importance of turning in a divine direction, Ballard said.

"Surely if there was a time that we need it with all the things that are going on in the country and the world, wouldn't it be nice if we asked heaven to help us a little bit?" he asked.

That's not necessarily a bad thing, Mattson added, but people need to learn how to live with grizzlies. He pointed to the Blackfoot River drainage and the Tom Miner basin as places where landowners are working with agencies to protect both the bears and the people.

"People can learn from each other, and there's also incentives and disincentives we can provide," Mattson said. "A lot of people don't want grizzly bears where they're living, but will live with them if the incentive is right. But for a lot of people it's easier to pick up the phone and call Wildlife Services to kill the bears."

"I argue that a combination of funding, expertise, good practices on the ground and the right mix of incentives and disincentives will work. That's why the Endangered Species Act is really importing at giving people the extra nudge toward what needs to be done. If you remove the Endangered Species Act, you won't have those resources."

Craighead, author of numerous reports on grizzly bear ecology, said that their old models have been verified by what they're seeing on the ground today, but new science and research needs to be considered and the grizzly bear recovery plan updated.

"A lot of people will complain, saying, 'You are moving the goal posts; we said get 50 bears in the Cabinet-Yaak and now you're moving that,'" Craighead said. "But it's not a football game. It isn't a game at all, really. It's real-time science on a changing landscape with changing climate

with changing human and wildlife populations, and we need to have flexibility and change the recovery plan as we move forward."

Allendorf, a former Fulbright scholar and biology professor emeritus at the University of Montana, warned that the isolated populations of about 700 grizzlies in the greater Yellowstone ecosystem probably means they're inbreeding, which can lead to an "extinction vortex" of decreased reproduction and survival. He urged that the conservation strategy adopted for the ecosystem in 2016, which called for the maintenance of a minimum of 500 bears, should increase population goals.

"Five hundred bears are not enough to avoid the harmful effects of inbreeding depression," Allendorf said. "With 500 bears, some may not reproduce, some are really successful at reproducing. That may mean that there's more population size but fewer genetic diversity."

Horejsi, who has a doctorate in behavior ecology of large mammals, added that the current U.S. Fish and Wildlife Service conservation plan for grizzlies in the NCDE is critically flawed, because it presumes that their population and habitat in British Columbia and Alberta are viable, and that Canadian regulatory standards and practices will buttress demographic and genetic continuity for Montana's bear populations.

"British Columbia struggles with near-crippling regulatory inadequacy in land and wildlife management affairs," he wrote in a statement read at Friday's program.