

James Brown Montana Supreme Court, Seat 2

Hard Working, Consistent, Committed to the Rule of Law



Update 10/14/2022

(Find the full 2022 Voters Guide [Here](#))

(Why the Write-In Race for Yellowstone County Commissioner Matters [here](#))

(Next Big Sky Worldview Forum event [here](#))

Showing up For Work?

Reliable sources confirm that Justice Ingrid Gustafson is **rarely in Helena** – maybe once a month. While several of the Justices are in their offices in Helena almost every day, Gustafson depends upon remote internet connections to interact with the other justices or staff. Call me old fashioned, but I believe there is value in working in close proximity to those you are committed to working with. How do you have those important momentary interactions that help in doing your job well when your Zooming? James Brown is currently the Chair of the *Public Service Commission*. He goes to Helena to interact with other commissioners and the staff regularly.

Unintentional Endorsements?

Former Republican Governor **Marc Racicot's TV ads** supporting Gustafson are actually an indorsement for Brown. Racicot is infamous for standing for **nothing** – always having his finger in the wind. [He was chairman](#) of the [Republican National Committee](#) from 2002 until 2003. In September 2020, he announced his intention to **vote for Joe Biden**.

Almost every day the Billings Gazette has a hit piece on James Brown. Sunday there was a doozy [Lawyer to Lawyer – James Brown not Qualified for Court](#). Have you noticed **who is writing them**? Yup **Trail Lawyers** who have controlled this court for decades. Erik Thuesen from Helena is the author this time. He makes lots of accusations that sound disturbing. **But notice the undercurrent** – James has political interests and none of our Supreme Court members do. Really? That is the real issue here. If you read the rest of this article, you will discover that our Supreme Court is wildly political. I don't know Thuesen and neither do 99.9% of the readers who will believe almost anything. I have gotten to know James and I trust him! And yes, as you will see below, every significant Republican office holder has endorsed him. Stop kidding yourself, EVERY race is political.

Why is this race critical? – Montana's Supreme Court is known to be one of the most liberal-activist courts in America. The Roe v. Wade decision by the US Supreme Court actually makes Montana a **magnet for abortions because** of our Supreme Court's interpretation of a clause in our constitution. **This will take every conservative talking to their neighbor.**

Exposing Judge Ingrid Gustafson:

In the sixteen bullet points below, you will meet a Liberal-Progressive Activists masquerading as a Supreme Court Judge. She is committed to legislating from the bench and supporting the Democratic Party with no respect for judicial conduct or the Montana Constitution.

- ✚ Gustafson is clearly known for **legislating from the bench**.
- ✚ Ingrid was appointed by Governor **Bullock**.
- ✚ The Montana Trial **Lawyers Association is spending about \$1.5M** to get her elected! Gustafson is known for ruling in lock-step with this Progressive group.
- ✚ Her campaign **manager is Judge Moses' wife** – the Billings judge who overturned three LIFE related Legislative Bills.
- ✚ **Election Integrity - ruling from the Bench:** In spite of the fact that the **MT Constitution** explicitly provides the Legislature with authority and discretion to **decide matters of elections:**

- Gustafson voted to **overturn SB 169 requiring Voter ID...** “*voters don’t need to show government issued photo ID in order to vote*” she said.
- She voted to **overturn HB176** that would have eliminated **election day registration** mischief by the LEFT.
- ✚ As a judge in Billings, Gustafson has the distinction of being the **most recused-overturned District Court judge** of Yellowstone County.
- ✚ As crime surges in Montana, Gustafson is known for:
 - **Being soft on crime - anti-Law enforcement!** – favoring the accused not the victims.
 - She ruled with the majority in **ruling against district court law enforcement cases.**
 - County Attorneys are having a big problem with the **Supreme Court overturning** their cases
- ✚ Her **“business friendly score”** from the Montana Chamber of Commerce was an **“F”** She consistently decides cases in favor of plaintiffs and **against business owners.**
- ✚ Leaked emails show that members of **this court routinely took positions** on bills during the 2021 legislative session coordinating with special interest groups behind the scenes. (This and the next seven bullet points see the letter from Attorney General Austin Knudson here https://www.bigskyworldview.org/content/docs/Library/AG_Knudson_endorses_James_Brown.pdf)
- ✚ Members of the court and their taxpayer paid employees **actively lobbied against legislation** that increased **THEIR accountability** to the public.
- ✚ They have **let criminals back on the streets.** They have upended decades of precedence regarding time served.
- ✚ The court **blocked a legislative subpoena** that sought to reveal the aforementioned behavior. Six of the seven failed to recuse themselves. They have legislated from the bench and overturned settled Law to **benefit criminals.**
- ✚ They went against legislative intent **regarding restitution**, making it harder for crime victims to be made whole by those who preyed on them.
- ✚ They have **lessened mandatory punishment** requirements.

- ✚ They have **undermined the legislatures authority** to determine punishment for crimes – setting criminals loose before they’ve served their time.

Ingrid is clearly the Liberal-Progressive choice.

Who is James Brown?

James Brown is currently leader of the Public Service Commission (PSC). He owns his own law business and is known to be a solid conservative, committed to the rule of law. He adamantly opposes the Judicial Activism that has characterized our Supreme Court. The conservative ivoterguide.com characterizes James Brown as an **Originalist and Ingrid Gustafson as a **Proven Activist**.**

- ✚ James Brown is an “**originalist**” with a similar temperament as Justices **Scalia and Thomas**.
- ✚ In his role as **Chairman of the Montana Public Service Commission**, Brown serves the **same role as judges** by deciding on legal matters and cases that affect every person in Montana.
- ✚ He says “*I’m running to **preserve our rule of law**, follow the Constitution and bring **accountability** back to the judicial branch.*”
- ✚ He has **represented agricultural** clients across Montana and would bring a small business and agricultural background to the Court.
- ✚ James **will resist** the actions of **the activist judiciary** on the supreme court that have harmed Montana’s farm and ranch community.
- ✚ He will work to bring **consistency** to the Court, avoid the appearance of conflicts of interest, and avoid **legislating from the bench**.
- ✚ At a time when **confidence in the judiciary** is being shaken, James will work to “**restore faith in the rule of law**.”
- ✚ James is former Council for the Republican Party and has **litigated** against both the state of Montana and the Federal Government in order to protect **First Amendment Rights**

Brown is endorsed by *Montanans for Limited Government*, [Senator Steve Daines](#), Governor Greg Gianforte, Congressman Matt Rosendale, the Montana Shooting Sports Association, Attorney General Austin Knudson, and the Montana GOP because they know he is a **true constitutional conservative**.

More about James Brown

His early days: Brown grew up in Dillon, attended Beaverhead County High School, and graduated in 1994 with a double major in History and Political Science from the University of Montana. He earned his law degree from the Seattle University School of Law and his Masters in Tax Law from the University of Washington. Prior to attending law school, Brown worked six years in Washington D.C. as a Congressional Aide, including for U.S. Senator **Conrad Burns** of Montana.

Background and Goals: "[As a fourth-generation Montanan](#) whose family homesteaded in Beaverhead County in the 1880s and as a private practice attorney for the last 17 years, he represented and defended the interests of Montana's farmers, ranchers, and small businesses—and he will take those same Montana values to the Supreme Court as your next justice. **A few of Browns statements:**

He owns his own law firm, wherein he employs multiple Montanans. As a business owner, Brown understands what it means to **sign both the front and back of a paycheck**.

Brown is a **member of** the Leadership Montana program, the Montana Wool Growers Association, the Montana Shooting Sports Association, the Beaverhead Chamber of Commerce, and Montana Historical Society,

More about Ingrid Gustafson

Ingrid Gustafson is an incumbent. She is rated as a **Proven Activist** [by iVotersGuide.com](#)

Ingrid Gustafson has [served](#) on the Montana Supreme Court since 2017 when she was appointed by Governor Steve Bullock. Prior to that, she presided over a general jurisdiction court serving for 14 years as a District Court Judge. Prior to taking the bench in 2004, Justice Gustafson practiced law for 16 years maintaining a broad-based private practice that included state and federal criminal defense, personal injury, and domestic relations cases. During her time as a Yellowstone County District Court judge, Gustafson was **the most recused judge by litigants**.

Ingrid says there is [no room for politics in the court room](#), the problem is what she does from the bench is **exactly the opposite** as you will see below.

In [one of her TV ads](#), a business owner says she is honest, ethical, and trustworthy. But the Montana Chamber of Commerce disagreed. (See below)

Notable recent shifting to get votes question: Why did Justice Ingrid Gustafson **recuse herself** from the court's decision **against firearms on campus?** Details: The Montana Supreme Court ruled against Montanan's Second Amendment right to carry a firearm on a college or university campus. However, Liberal Supreme Court Justice Ingrid Gustafson recused herself from the case.

However, she **did not recuse herself** when she was subpoenaed for her public emails. By ruling on the lawfulness of her own subpoena, she engaged in a clear **conflict of interest**. As the Bozeman Daily Chronicle put it "one fundamental fact remains: [you can't be the judge in your own case.](#)"

The Montana Chamber of Commerce gave her a 'F' grade on Business-related litigation <https://www.montanachamber.com/advocacy/montana-justice-coalition/>

Notable Problematic Cases:

- [Gustafson wrote *Espinoza v. Montana Department of Revenue*](#) (2018): **Wrote concurrence.** The case was over a program which "provide[d] a taxpayer a dollar-for-dollar tax credit based on the taxpayer's donation to a Student Scholarship Organization (SSO). SSOs fund tuition scholarships for students who attend private schools meeting the definition of Qualified Education Provider (QEP). The Department of Revenue later adopted Rule 1, **excluding religiously-affiliated private schools** from qualifying as QEPs, **(The US Supreme Court reversed this)**
- [Weems v. State](#) (2019): **Signed** Justice Baker's majority opinion. Held that Weems and Doe had standing to bring a suit against a law excluding their professions from providing abortions. (**Expanded who could administer abortions**, see [more here](#))
- [McLaughlin v. Montana State Legislature](#) (2021): **Signed** Justice McKinnon's majority opinion. Held that the legislature's motion to disqualify all members of the Montana Supreme Court was denied (16)... **The court's duty would be compromised if it stepped aside for every case involving separation of powers.** This was a case of the Legislature vs. the Court. (Read more [here](#))