Best News Photo
Division 5: Daily newspapers (6 & 7-day)
2019 Better Newspaper Contest
By Kurt Wilson, Missoulian

Toby Rath wrestles with a recliner while moving it to higher ground from a home in the flooded area at the north end of Nancy Lou Drive.

Judge’s comments: A nice find in a difficult situation. The photographer captured something different, with good composition, to tell the story of this flood evacuation.
August
16 Deadline to submit articles for the August Press Pass newsletter

September
2 Federal holiday: Labor Day
2 MNA office will be closed for the Labor Day holiday
4 National Newspaper Carrier Day
13 Deadline to submit articles for the September Press Pass newsletter

October
1 Deadline to file USPS Statement of Ownership Form 3526
4 MNA and MNAS Board of Directors Meeting—Sage Lodge, Pray
7 Federal holiday: Columbus Day
11 Deadline to submit articles for the October Press Pass newsletter

November
1 MNA member Rate and Data Survey deadline
6 Montana Newspaper Foundation 2020 Internship Grant opens for applications
8 Deadline to submit articles for the November Press Pass newsletter
11 Federal holiday: Veterans Day
28, 29 Federal holiday: Thanksgiving Day
28, 29 MNA office will be closed for the Thanksgiving holiday

December
2 Montana Newspaper Foundation 2020 Internship Grant application deadline
13 Deadline to submit articles for the December Press Pass newsletter
19 Montana Newspaper Foundation 2020 Internship Grant winners announced
24, 25 MNA office will be closed for the Christmas holiday
25 Federal holiday: Christmas Day

The Montana Newspaper Foundation recognizes the generous contributions and donations by our members and friends at the 134th annual convention of the MNA.

In the past year our Foundation has continued to support the Montana newspaper industry through financial gifts to provide internship grants, two scholarships for students of the U of M School of Journalism, a scholarship for the Montana High School Journalist of Year, MNA member training programs and a grant to the Montana Journalism Education Association to support the continuing education of high school journalism instructors.

To make a financial gift to the Montana Newspaper Foundation, please contact Matt Gibson at (406) 443-2850 or mgibson@mtnewspapers.com

Back Matter:

OUR MISSION:
To advance and sustain the news publishing industry in Montana.

Matt Gibson, Executive Director | mgibson@mtnewspapers.com
Stacy Wirtz, Business Development Director | stacy@mtnewspapers.com
Ryan Stavnes, Member Relations & Client Services | member@mtnewspapers.com
mtnewspapers.com
2019 Better Newspaper Contest Winners

Best Page Layout & Design

1st PLACE
Division 3
Weekly newspapers with circulation of 2,001 to 4,500
By Megan Manley, Lewistown News-Argus

Get information
• Bowhunting continues to grow
• The next generation of hunters
• Bird hunting outlook
• Access information

Central Montana
HUNTING GUIDE
2018

To view all the first-place winners of the 2019 Better Newspaper Contest, please visit the following link:

THANK YOU RENEWING ASSOCIATE MEMBERS

Bronze Level Associate Member

Gold Level Associate Member
Duplicate 2019 BNC Plaques – Order Form

If you would like duplicate copies of First Place plaques, please complete and return this form via email to Matt Gibson, mgibson@mtnewspapers.com.

The cost of the duplicate plaque is **$35.00 each for the BNC Category winner plaque**, and **$45.00 for the larger plaques** (Division General Excellence, Best Weekly, Best Daily and Mel Ruder Photograph of the Year Award), plus one-time $15.00 shipping and handling fee.

**Newspaper:**

**Shipping Address:**

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**Total Due for Plaques $___________**

+ shipping **$15.00**

**Total $___________**

MNA will invoice the newspaper for total amount due.
# PEOPLE and PAPERS

## 2019-2020 Montana Newspaper Association Officers and Board of Directors

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<thead>
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<th>Title</th>
<th>Name</th>
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<tr>
<td>President</td>
<td>Kellyn Brown</td>
<td>Flathead Beacon, Kalispell</td>
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<tr>
<td>1st Vice President</td>
<td>Erin Leonard</td>
<td>The Madisonian, Ennis</td>
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<td>2nd Vice President</td>
<td>Chad Knudson</td>
<td>Glendive Ranger-Review</td>
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<td>3rd Vice President</td>
<td>George Hoffman</td>
<td>Belgrade News</td>
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<td>Immediate Past President</td>
<td>Scott Squillace</td>
<td>Livingston Enterprise</td>
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<td>MNAS President</td>
<td>Jeff Martinsen</td>
<td>Choteau Acantha</td>
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<td>MNAS Vice President</td>
<td>Summer Goddard</td>
<td>Valley Journal, Ronan</td>
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<td>Director</td>
<td>Jacques Rutten</td>
<td>Lewistown News-Argus</td>
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<td>Director</td>
<td>Cindy Sease</td>
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<td>John Blodgett</td>
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<td>Stacy Mantle</td>
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<td>Director</td>
<td>Jason Begay</td>
<td>UM School of Journalism</td>
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<td>Director</td>
<td>Burl Bowler</td>
<td>Daniels County Leader, Scobey</td>
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<td>Director</td>
<td>Scott Thompson</td>
<td>Great Falls Tribune</td>
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<td>Director</td>
<td>Matt Baldwin</td>
<td>Daily Inter Lake, Kalispell</td>
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## 2019-2020 Montana Newspaper Association Committee Chairs

| Legal & Legislative Affairs  | Nick Ehli         | Bozeman Daily Chronicle                       |
| Better Newspaper Contest     | Kellyn Brown      | Flathead Beacon, Kalispell                    |

## 2019-2020 Montana Newspaper Advertising Service Officers and Board of Directors

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| Vice President               | Summer Goddard   | Valley Journal, Ronan                         |
| Director                     | Erica Yakawich   | Independent Record, Helena                    |
| Director                     | Anton Kaufner    | Daily Inter Lake, Kalispell                   |
| Director                     | Nathan Bourne    | Seeley Swan Pathfinder                        |
| Director                     | Jonathan McNiven | Yellowstone County News                       |

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| President                    | Melody Martinsen | Choteau Acantha                               |
| Vice President               | Darla Downs      | Northern Plains Independent, Wolf Point       |
| Director                     | Matt Gibson       | Montana Newspaper Association                  |
| Director                     | Scott Squillace  | Livingston Enterprise                         |
| Director                     | Jeff Martinsen   | Choteau Acantha                               |
| Director-at-large            | John Sullivan    | Yellowstone Newspapers                         |

## Kellyn Brown elected president of the Montana Newspaper Association

The founding editor of the Flathead Beacon, Kellyn has spent the last several years covering crime, government and social issues as a writer and editor in the Rocky Mountain region. A Spokane, Wash., native, he earned an associate's degree in photography from Northwest College in Wyoming before graduating from the University of Montana in 2002 with a bachelor's degree in journalism. Upon graduation, he covered the North Dakota Legislature for the Associated Press. He was then hired as a crime reporter at the Bozeman Daily Chronicle and won two regional awards for investigative reporting. Kellyn was the city editor and a weekly columnist at the Chronicle before taking the job as editor in chief at the Flathead Beacon.
Erin Leonard is the co-owner of The Madisonian in Ennis, the West Yellowstone Star and the Lone Peak Lookout in Big Sky. The Madisonian is Montana’s oldest continuously publishing weekly newspaper and Erin has deep roots in Madison County. Her family arrived in the Alder Gulch as stamp mill operators before the first issue of The Madisonian came off the press in 1873, and has been around ever since.

Erin is passionate about the visual arts and, as the art director, she takes advertising and design seriously. Her first job, however, is being a mom to Harper, 11, and Jack, 8. A graduate of Sheridan High School, Erin studied business-marketing at the University of Montana – Western in Dillon and Montana State University in Bozeman. She left Montana for a few short years, living on the East Coast and the West, before she and her husband, Chris, came running back. Erin’s love of her hometown, Virginia City, led her to serve on the town council. When she isn’t obsessing about the newspapers, Erin enjoys music, travel, skiing, the outdoors, art, running and her 1967 Aristocrat camper.

Chad Knudson is the publisher of the Glendive Ranger-Review, a position he has held for six years. Knudson is a fifth-generation Glendivian who graduated from Dawson County High School. After graduating from Valparaiso University in Indiana and living and working outside the state for many years, he returned home in 2011. He joined the Ranger-Review in the newsroom, and his transition to publisher was aided by significant previous work in a variety of business management and sales roles. Knudson is single and enjoys being around many family members, including parents, siblings and nieces and nephews who all reside in Glendive. He also serves in a variety of capacities in the community, including on the board of trustees of Dawson Community College and as president of the Leadership Glendive organization.

George Hoffman has been in the newspaper industry for 24 years, serving on the Montana Newspaper Advertising Service board since 2004 and later serving on the MNA board of directors.

He began his newspaper career in 1995 as an ad representative for the Bozeman Daily Chronicle and was later named advertising director of the Belgrade News in 2004 when the weekly began operation.

Born in San Antonio, Texas, George’s family moved to Three Forks, Montana, where he graduated high school and later attended Montana State University. George graduated with a bachelor of science degree in construction engineering technology in 1984. George and his wife Sherri have been married for 37 years and have two children and two grandchildren. They enjoy camping, snowmobiling and especially spending time with their young grandkids.

Summer Goddard is co-owner and publisher of the Valley Journal in Ronan. After a high school newspaper class sparked a passion for the printed word and image, Summer furthered her studies at the University of Montana’s School of Journalism – graduating in 2002. Summer, her husband Boone and four other partners imagined a locally-owned Mission Valley newspaper dedicated to serving their neighbors and communities. They rolled up their sleeves, got to work and founded the Valley Journal in 2004. Fifteen years later Summer and Boone are still hard at work at the paper with an amazing staff and three children in tow. Three, six and nine, the kids contribute by delivering interoffice memos, submitting artwork and recording radio ads, respectively. Also involved in various community projects and volunteer efforts, Summer finds beauty in the balance and looks forward to expanding connections with other newspaper professionals through her involvement with the Montana Newspaper Advertising Service.
Two recent Montana Supreme Court decisions limiting the public’s right to know caught our members’ attention this month, and a new policy proposed by the Commissioner of Higher Education has raised the temperature of simmering controversies about fees for public document requests.

In a 4-3 decision, the Supreme Court ruled that the privacy rights of former University of Montana football quarterback Jordan Johnson, who was acquitted of rape charges in 2013, trumped the public’s right to examine the records of his disciplinary proceeding. Johnson was initially expelled, but that decision was reversed by Commissioner of Higher Education Clayton Christian.

The Supreme Court ruling prevents author John Krakauer, who filed suit to get access to the disciplinary files, from obtaining them. The dissenting opinion concurred with the majority that a lower court had erred when it ruled that Johnson had no expectation of privacy, but argued that the public’s right to know might have merited the release of redacted records of the disciplinary proceedings.

The majority determined that redaction of the records would be “futile,” and would not protect Johnson’s privacy. The ruling strongly suggested that the court might have released some of the files if it was possible to avoid compromising Johnson’s privacy.

The Supreme Court decided another matter involving access to files of active law enforcement investigations, ruling 5-0 that releasing the files related to an unsolved Helena murder from 2012 would hinder law enforcement efforts.

The two decisions establish some limits on Montanans’ right to know. In the case of Johnson, the justices strongly affirmed the privacy expectations of university students, and since redaction of Johnson’s disciplinary records seemed useless, the court decided to withhold them. The second decision relates to “confidential criminal justice information,” which is established under Montana law as a special category of government information that’s normally exempt from public scrutiny.

The Commissioner of Higher Education made more news this month when the Board of Regents took up a policy proposal to charge mandatory fees for all public information requests. The regents didn’t reach a decision on the policy, and the commissioner’s office agreed to meet with representatives from the MNA in August to hear our concerns about it. The MNA supports policies that allow the government to charge the actual cost for producing a document, but we firmly oppose any effort to charge for document review or editing.

For more about the Krakauer ruling and the Missoulian’s followup editorial, look on pages 10 and 8 of this month’s Press Pass.

Matt Gibson is the executive director of the Montana Newspaper Association.

Ahna Fox honored as High School Journalist of the Year

Ahna Fox, a senior at Bigfork High School, was honored at the MNA’s 134th annual convention in Big Sky last month as Montana’s High School Journalist of the Year for 2018-2019. She received a $1,000 scholarship from the Montana Newspaper Foundation to attend the University of Montana School of Journalism.

Fox became involved with Bigfork High School journalism her freshman year and served as the editor-in-chief of The Bigfork Norse Code, the Norse Code Newscast lead anchor, The Bigfork Norse Code social media director, and the Hatch Literary Magazine design editor.

Fox plans to enroll at the University of Montana’s Davidson Honors College and study journalism.

To view Fox’s portfolio and website, visit: https://ahnafoxmt.weebly.com/
Regent pushes back on proposed fees for public information requests

By Patrick Reilly, Missoulian

On Wednesday, the board that governs Montana’s University System took up matters ranging from a multimillion-dollar debt restructuring to a new institute focused on water research — as well as the rules that let Montanans view the paper trail for these and other ventures.

During a conference call, the university system’s seven-member Board of Regents looked at potential changes to the system’s public records request guidelines. One proposed change that worries open-records advocates states that the university system “should,” rather than “may,” charge fees for processing requests.

University System Chief Legal Counsel Vivian Hammill, who works in the Office of the Commissioner of Higher Education, said the proposed changes had “been under discussion internally for a while.”

She said that the changes aimed to standardize the university system’s compliance with the 2015 Montana law that authorized — but did not require — the collection of fees for record requests. “We’ve had a lot of inquiries from the campuses about what they should charge, when they should charge,” said Hammill.

“The reason we changed the word ‘may’ … to ‘should,’ not ‘shall,’ is for you to consider whether it would be the best practice for campuses to be consistent in how they charge,” she told the regents.

But Regent Martha Sheehy — an attorney who has represented Lee Montana Newspapers in right-to-know cases — said she had “a strong reaction to the use of the word ‘should.’”

“I would really oppose the use of the word ‘should.’ I think it conflicts with the statute as it was constituted in 2015.”

A 2015 addition to Montana’s public records laws states that “a public agency may charge a fee for fulfilling a public information request, not to exceed the “actual costs” of

filling it. It also says that upon receiving a request, a state agency must either make the information available or give the requester an estimate of the time needed to fulfill the request, and the fees involved.

“If we say that these items … should be charged, we’re doing away with the first mandated option under the statute, which is simply making the information available,” Sheehy said. She also noted that state agencies’ abilities to charge legal fees for public documents “are not settled matters of law.”

Montana Commissioner of Higher Education Clay Christian said that “I have no particular passion about the word ‘may’ or ‘should’ … The important (thing) is that we get guidance from this board that we can disseminate across campuses to get some consistency.

“We certainly don’t want to preclude people from access to public records,” he added. “We certainly embrace right-to-know and we’ll continue to embrace that.”

Christian’s office recently succeeded in a high-profile legal battle to withhold its records. Author Jon Krakauer, author of “Missoula: Rape and the Justice System in a College Town,” had wanted to view records concerning Christian’s reinstatement of a University of Montana quarterback who was accused of rape in 2012 and ordered expelled by UM. (The quarterback later was found not guilty in a criminal trial.)

For years, Christian’s office fought the release of the records on privacy grounds; last week, the Montana Supreme Court sided with the commissioner’s office. Krakauer told the Associated Press that he is assessing his options for pursuing the matter.

For now, the records policy remains a draft. Christian said he would like to see further recommendations when the Board meets in September.

Montanans’ right to know at risk

Missoulian Editorial

It’s easy to forget, if you aren’t in the habit of regularly requesting public records, just to whom those records belong. And it’s easy to take for granted that those records will be readily available upon request.

Unfortunately, too many government officials behave as though they, and not the public, are the owners of the documents they handle. Providing records to the public they serve is not an additional service for government workers. It is part of their regular job duties.

And too many members of the public forget that they — not just journalists — have the right to review those documents.

Now, with Montanans’ right to examine the work of our governing bodies at risk on multiple fronts, it’s as important as ever to remember that public records belong to everyone. It’s not the press’s right to know. It’s the public’s right to know. But from Missoula County to the State of Montana to the United States government, officials at every level are actively trying to keep information hidden from the public.

Just last week, the Missoula County Board of Commissioners closed a public meeting to discuss a draft legal complaint from 27 county employees. The county initially

Continued on Page 9
refused to provide copies either of the complaint or the draft claim letter, or even disclose which department the employees work in, noting that the documents had not yet been filed in court.

But court filings are not a requirement for open records. Montana’s Constitution is clear in stating that “(n)o person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.”

The Montana Supreme Court has a long tradition of upholding the public’s right to participate in government through open meetings and open records through legal precedent — up until a worrisome ruling earlier this month.

In that case, the court narrowly decided that the public does not need to know how or why the Commissioner of Higher Education reinstated a star quarterback who was expelled from the University of Montana after being accused of rape in 2012. The student was later acquitted of the charges in court. Author Jon Krakauer, who recounted the allegations in “Missoula: Rape and the Justice System in a College Town,” sought official records that would reveal Higher Education Commissioner Clayton Christian’s decision-making process, but the court’s 4-3 ruling determined that the student’s right to privacy exceeds the public’s right to know.

As former Montana Supreme Court Justice Jim Nelson sagely pointed out in a guest column published just a few days ago, Krakauer was not seeking private information about the student. Rather, his public records request was aimed at the commissioner’s office, which merely used the student’s privacy rights to shield itself from having to disclose the information of public interest.

University students certainly have a right to individual privacy, including their academic records. University officials, on the other hand, have a duty to the public they serve to share nearly every aspect of their work with the public. It’s our strongest method — and sometimes our only recourse — in holding government officials accountable.

The court’s ruling leaves a lot of important questions unanswered, questions Krakauer says he may pursue on appeal to the U.S. Supreme Court. It may yet be possible to answer some of those questions with a more narrowly focused public records request that would not include any students’ private academic records.

In Memoriam

Big Horn County News Publisher Jim Eshleman dies at 58

Lyle James (Jim) Eshleman, 58, of Hardin, Montana, passed away suddenly on June 16, 2019. He was born in Nuremberg, Germany, on October 3, 1960, to father William and mother Clara Eshleman.

He graduated from Hardin High School in 1979 and was eager to celebrate his 40th high school reunion this summer. After graduation Jim attended Montana State University in Bozeman where he received his bachelor of science degree in photography.

After completing his education he moved back to Billings, Montana, and worked for Kasper Photo. He later moved back home to Hardin where he took over Hardin Photo.

In July 2006, he started working for the Big Horn County News as a photographer and journalist and later became publisher, a position he held until his death.

As a youth, Jim was active in 4-H and Boy Scouts, eventually becoming an Eagle Scout. In high school, he was a member of the DeMolay Boys, a youth service and leadership group. He also attended Boys State.

Jim was an award-winning photographer and writer. His greatest passion was photography.

He was baptized and later confirmed in Christ Evangelical & Reformed Church, where he was still a member at the time of his passing.

He was an active member of his community and served as the chairman of the City-County Planning Board.

Preceding him in death were his grandparents, Emerson and Ella Eshleman and Alex and Marie Uffelman.

Survivors include his parents; siblings Lorrie (Jerry) Siebrecht and Paul (Danielle) Eshleman; nieces Kristina (Jeremy) Jensen and their son Keegan, and Katie Siebrecht; nephews Jarrad Eshleman and William Paul Eshleman; and his faithful dog, Reno.

Jim looked up to his pastor, Able Baker, and considered him a good friend.

Church services were held at 11 a.m. on Thursday, June 20, 2019, at the Christ Evangelical & Reformed Church in Hardin, followed by burial.

Memorials in his memory can be made to the Christ Evangelical & Reformed Church.
The Montana Supreme Court has reversed a district court’s ruling and denied author Jon Krakauer’s request for records detailing a University of Montana Griz football star’s reinstatement after he was ordered expelled.

For years, Krakauer has fought the Montana Commissioner of Higher Education’s Office in court for these records in an effort to determine why the office chose to let quarterback Jordan Johnson remain at the Missoula flagship after he was ordered expelled in a 2012 decision affirmed by then-President Royce Engstrom.

Johnson was accused of rape in 2012. UM expelled him, but Johnson appealed that decision to the Commissioner of Higher Education’s Office, led by Commissioner Clay Christian, and he was reinstated. A jury eventually acquitted Johnson.

The author’s pursuit of the records relevant to the reinstatement dragged on for years and pitted two rights enshrined by the Montana Constitution against each other—individual privacy and the public right to know.

Wednesday’s majority opinion, which referred to Johnson as “John Doe,” came down in favor of the former.

“After balancing the public’s right to know the information contained in Doe’s records with Doe’s right of privacy, we conclude the demand of Doe’s privacy clearly exceeds the merits of public disclosure,” wrote Justice Laurie McKinnon.

The court’s order dismissed Krakauer’s petition with prejudice, meaning it cannot be reintroduced, and it affirmed an earlier district court order denying him attorney’s fees.

Krakauer chronicled the case and others in his 2015 book “Missoula: Rape and the Justice System in a College Town.”

When he initially sought the release of records surrounding the decision, the Commissioner’s Office turned him down on privacy grounds. Krakauer sued, arguing that the Commissioner’s treatment of a star student athlete was a matter of public interest.

“The matter of how and why the state’s highest university official deemed it appropriate to secretly reverse a University decision to expel its star quarterback accused of rape, is a matter of significant public concern, not outweighed by any individual privacy concerns of the athlete, and certainly not by any federal law offering blanket protection to student disciplinary records,” Krakauer argued in a court document.

Lewis and Clark County District Court agreed and ordered the records released; the Commissioner’s Office appealed to the Montana Supreme Court, which remand-
ed the case to District Court for an “in camera” review, or private review of records. After the review, that court again ordered the records released in June 2018.

The Commissioner’s Office again appealed that decision to the Supreme Court, and a majority of justices — McKinnon, James Jeremiah Shea, Dirk Sandefur and Ingrid Gustafson — reversed the lower court’s decision and denied the request.

In her opinion, McKinnon found one aspect of Krakauer’s information request to be a fatal flaw: he had singled out Johnson by name.

“Krakauer wants to know if the Commissioner showed favoritism towards Doe in the handling of Doe’s sexual assault investigation because of that status” as a student athlete, she wrote. “By making a specific request for Doe’s records, Krakauer made it clear that he is not interested in the Commissioner’s handling of sexual assault investigations generally; he is interested in only the Commissioner’s handling of Doe’s investigation because Doe is a high-profile athlete.

“Were we to find this a basis for disclosure, the right to know would always subsume the privacy interest, making the student’s enhanced privacy interest always subject to the whim and caprice of public sentiment.”

Elsewhere, McKinnon posited that, if Johnson’s name could be detached from the commissioner’s handling of his case, the records may have been releasable. “Here, a more generalized request for information and one in which the Commissioner could have redacted Doe’s information in a manner that would have protected his privacy interest may have allowed for public disclosure.”

In a dissenting opinion, Justice Jim Rice called this focus on the request’s wording “troubling.”

The majority’s opinion could give privacy interests the upper hand over public access in the future, predicted Lee Banville, an associate professor at the University of Montana’s School of Journalism and an expert in media law.

“What we’ve had up to this point is, ‘Does the public need to understand how this process works?’” McKinnon’s opinion, he said, could establish that “unless you can protect a student’s privacy by redacting the name, the information shouldn’t be public, which is a much different standard” than has previously been applied.

“It represents what could be a very fundamental shift in disclosure standards,” Banville said. But he added that whether that shift actually takes place depends on how district courts interpret this ruling; as a narrow one specific to the Krakauer case, or a broad one applicable to other cases.

“As we start to see judges rule on other cases, we’ll see what happens in other cases.”

Continued on Page 11
Krakauer’s attorney, Mike Meloy of Helena, earlier told the Missoulian that the case represents “an extremely important issue to people, to the media, to anyone who routinely has to access the workings of government.”

“If you can’t recover your fees, you’re probably not going to enforce your right … (And) unless we get this straightened out, the right will be there, but it will be meaningless because nobody can afford to enforce it,” Meloy said in a 2018 interview.

Courts only rule on some of Montanans’ public records requests. When citizens seek state documents, their first stops are the agencies themselves. Through his work with the Montana Freedom of Information Hotline, Banville said he’s seen greater reluctance to fill records requests — and worries that this decision could only make it harder.

“It’s becoming a question of ‘Who’s more likely to sue us?’”—the requestor or the individuals named in the request, he said. “That has led to agencies being very cautious in the way they serve these requests. I think this decision will give them fodder” to withhold records.

Already, the Commissioner of Higher Education’s Office has indicated that it will incorporate this ruling into its future records requests. In a statement, the office’s chief legal counsel, Viv Hammill, said that the court “provided us with sound guidance and a roadmap for how to analyze requests in the future.”

“Commissioner Christian greatly values the public’s right to know, but when it comes to student records with enhanced privacy protections, those protections and the facts of each case must be weighed very carefully. The ruling upholds the commissioner’s contention that he needed to follow state and federal law in protecting student privacy.”

Christian assumed the Commissioner’s role in January 2012, and has held it throughout the expulsion, its reversal, and subsequent lawsuit.

Neither Meloy nor Johnson’s attorney, David Paoli, responded Wednesday to requests for comment.

However, Paoli earlier also chastised Krakauer for naming the student and for his motive to write a “for profit book.”

“Petitioner intends to publish these records and identify Intervenor by name each time, maybe with a slight wink and nod, but with impunity, to further publicize his book,” he argued in a court document.