

The following is a partial transcript of a series of questions I was able to ask Judge Matthew Monforton on August 5th of 2014. This “[confrontation](#)” is available as a [free downloadable podcast](#), courtesy of [The Montana Republic](#) (the clarifying statements of the host, William Wolf, have been omitted from this transcript for the sake of brevity).



The first of the two segments ran between approximately 23 minutes – 40 minutes.

Kyle Rearden: Mr. Monforton, why are you running under the banner of the GOP, instead of as an independent?

Judge Monforton: Well, a couple of reasons. The simplest is that independents don’t often win elections. You pretty much have to be the standard bearer of the two major parties in order to win an election. Number two, the Republican Party has a platform; it’s not followed by everyone, or even most Republicans, but it has a platform that, by and large, I agree with. Now, the challenge for those of us who believe in the platform is to get ourselves elected and get other folks elected who also believe in that platform, and I think when that happens, we can make some positive changes in this country.

Rearden: Mr. Monforton, what type of cases did you rule on while you were a judge?

Monforton: I sat as a judge in the Bozeman Municipal Court, and that court has jurisdiction almost exclusively with regards to misdemeanors committed within the city of Bozeman. I would say that, if I had to put a number on it, probably two-thirds, maybe three-fourths of the cases I handled were DUIs, traffic related incidents, or misdemeanor domestic violence cases.

Rearden: Dr. Roger Roots is currently running for a U.S. Senate seat; recently, he took part in a debate hosted by the Montana Newspaper Association. Dr. Roots also published

an academic paper back in 2001 in the Seton Hall Constitutional Law Journal. Judge, have you read *Are Cops Constitutional?*, and if so, what did you think of its thesis?

Monforton: I've met Roger, I've talked to him a few times. I like him personally; unfortunately, I haven't read his article. So, if you could summarize the thesis for me, I could give you my two cents on it.

Rearden: Sure. What I got away from it was that professional law enforcement, as it is today, is completely unconstitutional; and then, Dr. Roots goes at it from there.

Monforton; Unconstitutional in what sense?

Rearden: In the sense that they are essentially a Standing Army that the Founders warned us about. Much like the Redcoats.

Monforton: Unfortunately, it's hard to disagree with that. We've seen, and are seeing, what amounts to a militarization of a lot of police forces throughout the country. Whether or not it's constitutional, it's certainly problematic [**Wolf interjects*]. I think the problem [] is how are the pensions funded of these folks. My understanding is, they get their pensions regardless of how many arrests are made [and] how many convictions are obtained. If there is some kind of evidence that indicates that their salary or their benefits or their pension or any other form of compensation is based on a quota system [based on the number of arrests and/or convictions], that would be *deeply* problematic. I haven't seen anything that indicates that [**Wolf interjects*].

Rearden: Judge Monforton...

Monforton: Oh, by the way, you don't have to call me "judge," anymore. You can call me Matt; I appreciate the formality, but you don't need to worry about it.

Rearden: Matthew, do you believe that vices are crimes? If so, will you attempt as a legislator to outlaw more vices?

Monforton: The answer to that is yes, I do believe that some vices are crimes. We're talking about prostitution, or hard drugs (such as cocaine [or] methamphetamines). I was a prosecutor for a number of years...I understand and appreciate the argument that many libertarians make about how these activities are victimless and it's none of the government's business. I respect those arguments, but I also respectfully disagree with them, because there are certain substances that are so destructive that I think the government has an obligation to criminalize them. Cocaine being one of them, methamphetamines, prostitution...I realize that doesn't quite jive with what a lot of libertarians think, and those are issues I would disagree with as far what those sorts believe in. I generally am pretty libertarian when it comes to government spending, government taxation, and for the most part, what government should and should not be doing, but I think there are certain vices that need to be controlled. Now does there need to be reforms? Absolutely. Our criminal justice system needs significant reforms. The

way we deal with people who are drug addicts, that needs to be reformed, because there's a substantial amount of people in prison who are in prison because they've got a drug addiction, and keeping them in prison, year after year, might not be the best solution. We might need to be looking at other solutions, such as drug courts. Drug courts have a pretty good track record of being able to rehabilitate folks and get them off dangerous drugs, but the way those drug courts function, really the only way they can function, is if there is a criminal hammer that can drop down on people if they don't do what they need to do to get their lives straightened out. I don't know if that answers your question, or if it does, it probably isn't the answer you're looking for, but that's where I stand on that.

Rearden: You did answer the question, thank you. Matthew, do you believe that Montanans enjoy the natural right to travel? If so, would you introduce legislation to repeal the entire Montana Vehicle Code?

Monforton: Right to travel? You mean, based on the U.S. Constitution?

Rearden: More or less, yes.

Monforton: Because there is no right to travel within the United States Constitution itself. It's something that we all kind of recognize, and we all sort of take for granted. It's not a right that's in the United States Constitution. As far as repealing the traffic code, I think most of the traffic laws are there because they're needed, because there needs to be some kind of... a system of traffic control. I've been to Third World countries where they don't have that, and as annoying as many of our traffic laws are, I'd rather be able to get my kids to school safely than not.

Rearden: Just to be clear, you would *not* be interested in introducing legislation, should you be elected, to repeal the requirements in Montana for Montanans to get a driver's license, register their vehicles, get the automobile insurance, and so forth; you would *not* be in favor of repealing those requirements.

Monforton: Correct.

Rearden: Last year, the New Hampshire legislature introduced HB638, which if it had passed, would have been their formal recognition of the ratification of the Titles of Nobility Amendment. If elected, would you introduce a bill recognizing the ratification of the Titles of Nobility Amendment?

Monforton: You're going to have to explain that one to me. Ratification of titles of nobility? Walk me through what you mean; unfortunately, I'm not familiar with bills that have been enacted in New Hampshire [**Wolf interjects*].

Rearden: Matthew, what is your attitude towards the privatization of currently provided government services?

Monforton: I think, basically, the more the better. We need to have a limited government. Government at all levels (federal, state, and local) are doing far more things than they should, far more things than what the Founders intended government to do. That's my very short and dirty answer to your question. Anything specific you have in mind as far as privatization?

Rearden: Sure, how about the privatization of the court system?

Monforton: Well, I think having the judiciary is an inherent part of government. We have to have a court system that is ultimately accountable to the government, and have a government that is ultimately accountable to the people. Now, that doesn't mean there can't be other substitutes; there's, for instance, private arbitration that's used quite often by private parties that have a dispute and would rather not go through the hassle and expense of litigation, that I can tell you, can often be quite high. That, I don't have a problem with, but as far as privatizing the entire court system, I don't think that is a workable solution.

This second segment occurred approximately 1 hour 48 minutes – 1 hour 50 minutes.

Rearden: Matthew, would you be supportive of any effort by the people of Montana to exercise their Article II § 2 right to abolish the Montana government?

Monforton: Article II § 2 of the United States Constitution or the Montana Constitution?

Rearden: Montana Constitution.

Monforton: It would depend on what the grounds are; if the Montana government is completely out of control and acting in a completely lawless fashion, then absolutely. I don't think we're there yet. We got a lot of problems in this state, we got a lot of problems particularly with the government, but I still believe that there the mechanisms in place by which the right people, if elected, can take back this government and have it serve the people. I may come back on this show in six months and say "It's too late, we need more drastic measures," but at least at this point, I believe we can still take back the government with the mechanisms that are in place to do that.



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