



High Court Victory for Kulstad

A Missoula mother and her two children celebrated a precedent-setting victory in October when the Montana Supreme Court ruled that they were legally entitled to remain a family.

Michelle Kulstad was represented by the ACLU of Montana and cooperating Missoula attorney Susan Ridgeway in her custody battle against her former lesbian partner.

After assuring adoption officials that she and Kulstad would together raise the children, and after doing so for several years, Barbara Maniaci left the relationship, married a man, and tried to cut her former partner out of their son's and daughter's lives. An out-of-state anti-gay group took up Maniaci's case.

"The love a parent and child share is not limited by marital status or sexual orientation, and the Montana Supreme Court was right to determine that state law protects that bond," said ACLU of Montana Legal Director Betsy Griffing.

Love is exactly what Kulstad spoke of as she held back tears during a press conference on the day the Supreme Court issued its decision, saying she looks forward to watching her son and daughter grow and have children of their own.

"This is a victory for Michelle and the children and for all parents and



Michelle Kulstad (center) celebrates her Montana Supreme Court victory with her two attorneys, Susan Ridgeway of Missoula (left) and ACLU of Montana Legal Director Betsy Griffing (right).

children in Montana," Ridgeway said.

The Montana District Court first ruled in 2008 that Kulstad was entitled to joint custody of the two children she raised with Maniaci. Maniaci appealed the decision, bringing the case to the Supreme Court.

The Supreme Court rejected Maniaci's assertions that she had lied when she told social workers that she and Kulstad would be raising the adopted children together.

"Maniaci cannot rewrite the his-

tory of the fact that she and Kulstad lived together for more than 10 years and jointly raised the minor children in the same household," wrote Justice Brian Morris in the court's opinion, signed by six of the state's seven Supreme Court justices.

In the district court trial, an expert appointed by the Court to evaluate the two as parents described the strong parental bonds between the children and Kulstad. The expert also testified that the children could be mentally and emotionally harmed if Maniaci were permitted to sever the children's relationship with Kulstad.

Montana law recognizes the importance of maintaining a parent-child relationship, and that such a relationship arises not only through the birth or documented adoption of

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This newsletter is published
three times a year.

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**The Right to Life, Liberty, and
the Pursuit of Happiness**

At the ACLU of Montana we take on a myriad of issues. Some are local, some statewide. Some have implications nationwide.

It is exciting to me that one organization—with staffed offices in every state—embraces such a broad cross section of things that matter.

There is a common thread woven through it all, outlined in our mission to defend, preserve and advance civil liberties and in our vision of a world where dignity, freedom and civil liberties are a reality for all.

As an organization we are ambitious, accountable, collaborative, disciplined and strategic in our day-to-day operations. We collaborate with staff and board members to discuss and analyze priorities and work plans.

That is the overall pattern, but once we have marshaled the resources and recruited the talented people to implement our program, we focus on three important areas: policy, education and litigation.

Policy

Through our Union activities, supported by the dues of our members, we engage in the legislative process. This means not only having a vigilant presence when the legislature is in session, but also paying close attention to what goes on between legislative sessions – in the legislative committees and in broader policy making bodies. It is often easier to stop bad legislation before it's passed than to rectify it once it's on the books.

Dues support our Union advocacy work, but the tax-deductible contributions of members and friends to our ACLU-MT Foundation enable us to engage on two additional fronts – education and litigation.

Education

Much of our work is aimed at civic communications, educating the general public about rights and responsibilities, and helping broaden understanding through civil discourse. We reach out to teachers and preachers, to pupils and their parents, to organizations and officials – all in an effort to breathe life into the Constitution and the Bill of Rights.

While we may be most known for our



**Executive Director
Reflections**
Scott Crichton

litigation, our work in education is probably the least understood. Precisely because the Bill of Rights is not a self-enforcing document, the ACLU is essential to our society's health.

Litigation

We engage in lawsuits generally as a last resort – usually after we have exhausted other options. We do so without charging fees to our clients. Our staff attorneys and the network of attorneys in ACLU nationwide make ACLU the largest public interest law firm in the country. We collaborate with a growing cadre of cooperating attorneys who volunteer their time and talents to defend those who otherwise would not be represented.

These three arenas of policy, education and litigation, while separate, are not isolated from one another. For example, our landmark public defense case, *White v. Martz*, was litigation initiated on behalf of indigent persons needing legal representation in criminal defense matters as understood in *Gideon v. Wainwright*, 372 U.S. 335 (1963).

We filed the case because it was clear that there were systemic problems that had long been identified and long gone unaddressed. After identifying clients in seven counties, we were able to certify a class that would be our plaintiffs in challenging counties and the State of Montana to fulfill their constitutional obligations.

After taking more than 80 depositions and while preparing for trial, we were approached by lawmakers to work with the Attorney General and the Legislature to create a solution outside of the courtroom.

What is it that gets you “hopped up” about an organization – gets your juices flowing, so to speak? I’m going to tell you about a few things happening lately in our affiliate that are affecting me in exactly that way!

First off, we have added some outstanding board members. Frank Jones from Big Arm and Dennis M. Taylor from Helena are gracing our board with their many talents. Sarah Rossi is our new student representative from the University of Montana Law School.

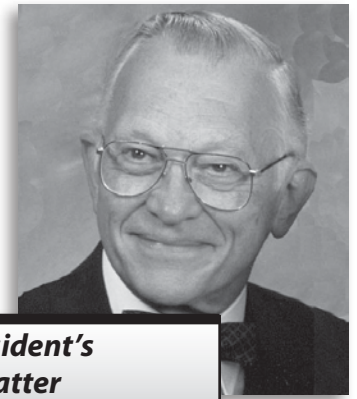
Second, and perhaps even more important was our annual retreat, Oct. 1-4, at the B Bar Ranch. Although the usual saying is that “comparisons are odious,” I’m going to state that this was by far the most outstanding retreat since I joined the board in March 2006.

Geri Rozanski, National ACLU Director of Affiliate Support, addressed us at the retreat about progress in Montana. She mentioned that she had met with all the members of our staff the day before the retreat. Geri has

been to many affiliates and has evaluated many different programs and staffs all over the country, so when she stated that the uniform excellence of the staff presentations had affected her emotionally, I took that as very high praise – which, in turn, affected me emotionally!

Betsy Griffing, the head of our legal department, gave an outstanding report regarding cases coming in the year ahead. Most of this was confidential, but suffice it to say that our staff is working on some of the most pressing and significant issues imaginable.

I look forward excitedly to one of the best years in our history. Here’s hoping my prediction proves true!



**President's
Patter**

Ed Stickney

Please Give to Our Foundation

Imagine having the children you raised taken away from you because your lesbian partner of more than a decade was their legal adoptive parent and not you.

Or think about being unable to eat because jail officials won't provide you the surgery you need to repair your jaw, and won't even give you a straw to drink through.

Picture your father dying from a painful terminal illness and only wanting to find a doctor to help him die with dignity.

Imagine any of these things happening to you, and having no one to turn to because no one cares. Thankfully that's not the case in Montana.

The American Civil Liberties Union of Montana is here to protect constitutional rights in cases like these because people like you support our work to defend the civil liberties of everyone.

Every day we fight for the rights of all Montanans.

In the past year, the ACLU has worked on three cases heard by the Montana Supreme Court, argued for reproductive, immigrant and free speech rights before the Montana Legislature, partnered with other groups to work to end the death penalty and to expand medical marijuana rights and fought for the rights of the accused and convicted in our state to due process, competent representation and to be free from abuse and mistreatment.

The challenges ahead are many.

On the national level, the ACLU continues to lead the charge against indefinite detention without charge or trial for prisoners in Guantanamo. While others stood by, the ACLU pushed, and continues to push, for an end to rendition and torture. And we are working to reverse other post-9/11 attacks on our civil liberties. Those efforts are every bit as necessary now as they have been for the past eight years. We won't waiver in our commitment to push the new administration to do the right thing and halt these assaults on our Constitutional rights. We stand for an America that is both Safe and Free.

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Why We Belong to the ACLU of Montana



“We love our Bill of Rights. Without it our Constitution could be as much of a tyranny as any. Our beloved ACLU has no other mission than to support and encourage enforcement of the Bill of Rights. That's bedrock to our values. ACLU lawyers dare to defend citizens being denied their rights.

Increasingly our executive and legislative branches of government need to be called back to the Bill of Rights. So we do it for everyone, no matter their stripe. True Conservatives should join us. That many don't may reveal how far down the slippery slope we've fallen.”

Vern and Patricia Klingman live in Billings Montana, where Vern is a United Methodist Minister and sees the ACLU as the main defender of the separation of church and state.



Legal Notes

Betsy Griffing
 Legal Director
The Jean Anderson Chair

“Are you church going folks?”

A mother enrolling her children in school this last August was taken aback by the question from a school counselor because she and her family are not Christians. The counselor went on to tell the mother that the school had a program in place allowing children an hour each week during the school day to attend religious study at one of four participating churches: Catholic, Lutheran, Mormon and Christian non-denominational. The counselor said that the mother’s children could “stay behind” if they chose not to participate.

The mother was concerned: the counselor’s statement implied that her children would be the only ones not participating in this weekly religious instruction hour. She felt that one choice, staying at the school, was exclusionary, while the other required her children to receive religious education during school hours. She had never previously been asked about her religion while enrolling her children in school.

In researching this issue, I contacted Charles Haynes at The First Amendment Center in Washington, D.C. The Center publishes an excellent guide, “Finding Common Ground, A First Amendment Guide to Religion and Public Schools,” which is available online at

www.firstamendmentcenter.org. Haynes gave a presentation in Missoula a couple of years ago for teachers and school administrators on how to maintain the separation of church and state in the schools.

Although a public school can have a policy that allows students to be released for religious education, the public school may not promote such a program. The school counselor should not say the “school has a program” which promotes release-time. Nor should the counselor ask a parent if they are “church-going people.” A school may announce the release-time opportunity provided by local churches, and work with the religious communities to ensure attendance and transport the students safely, but the school must not become entangled in the release-time beyond these minimalist measures. The school cannot promote – or discourage – participation, and must make sure that education does not stop for those students who choose not to participate.

The school counselor in this case may have meant well, but should have said something more along the lines of: “Some local churches have organized a released-time program in this district. This is not school-sponsored, but parents are free to have their children participate. Students not participating will have meaningful activities and instruction at the school. If you are interested, these groups can provide further information.”

As the First Amendment Center handbook says, “In their words and actions, teachers and administrators may not encourage or discourage the participation of students in released-time programs.” Children who do participate should not be disadvantaged by missing important information or tests, but non-participants should not be deprived of meaningful classroom activity.

Teacher Meeting Held in a Church

I also received an inquiry from a teacher at a Montana high school who said that the school wanted to meet at a local church because it had a large meeting room that would accommodate all of the teachers. This was uncomfortable for the teacher because she was of a different faith and the religious symbols troubled her.

Again, the First Amendment Center manual summarizes the applicable standards well. Public schools may arrange to use the facilities of private landholders – including churches, temples, mosques or other religious institutions. Of course, all such facilities must meet applicable health and safety codes. But if the arrangement involves the use of sanctuaries, playgrounds, libraries or other facilities owned by religious groups, the following five First Amendment guidelines should be followed:

1. The schools must have a secular educational purpose for using the facilities, such as after-school recreation,

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ACLU of Montana Appeals Crossroads Finding

The ACLU of Montana is appealing a Montana Human Rights Bureau finding that Native American prisoners at Crossroads Correctional Center were not discriminated against on the basis of race and religion.

Despite the investigator’s finding, evidence shows a clear pattern of harassment of prisoners prior to and after their sweat lodge ceremonies, including mass strip searches, racial slurs and retaliation for complaints about inadequate facilities and religious materials for the ceremonies.

The appeal, being handled by cooperating attorneys Ron Waterman and Julie Johnson, will go directly to the Montana Human Rights Commission.

The ACLU of Montana became involved in the case last winter when Native American inmates at the Crossroads Correctional Center in Shelby began complaining of systematic strip searches and retaliation under the new prison warden, Sam Law.

Law works for the private prison company Corrections Corporation of America, which operates Crossroads.

“The major events are not in dispute. What’s in dispute is what motivated it,” Waterman said.

End of Legislative Session Brings New Public Policy Work

For the ACLU of Montana, the summer months brought a chance to catch our breaths after the hectic legislative session. Most importantly, these months have allowed us to seize opportunities to influence public policy in arenas outside of the Capitol's committee rooms and ramp up our public education efforts in communities across the state.

'Personhood' Initiative

Voters in Montana can't be blamed if they're suddenly humming the tune "Everything Old is New Again," as anti-choice extremists try once again to qualify a "personhood" initiative, CI-102, for the November 2010 ballot. This latest attempt would amend our state Constitution to grant due process rights to fertilized eggs "from the beginning of biological development." In other words, from the moment of conception, the state government would have a free pass – even an obligation – to take whatever steps it deems necessary to protect that egg. The measure is clearly a back-door attempt to strip away Montana women's right to make private, autonomous medical decisions.

It's hard to decide which aspect of this measure is most troubling: an end to hormonal birth control, in vitro fertilization treatments and stem cell research; investigations into the conduct of pregnant women, especially those who miscarry; or the fact that this measure could deny women life-saving medical care, even in the case of ectopic or high-risk pregnancies.

We are proud to be one of six state-wide organizations leading a coalition of pro-choice groups working against the measure. In August, we submitted comments on behalf of the coalition to the Montana Attorney General, arguing that the proposed initiative was illegal, vague and misleading to voters. Unfortunately, the Attorney General cleared the initiative for signature gathering and the proponents have already begun to circulate petitions. They have until June 18, 2010 to gather the 48,674 signatures in 40 legislative districts needed to qualify the measure for the ballot.

Stay tuned in the coming months for more ways you can join us in encouraging your friends, family, and neighbors

to say "no" to the signature gatherers and decline to sign away your right to privacy.

Prisons

In August, the Department of Corrections Advisory Council wrapped up its work by issuing its final report to the Governor. The Council was tasked with reviewing all DOC facilities and making recommendations about what new facilities might be needed in the future. Over the last 18 months, the ACLU of Montana has actively followed the Council's



Niki Zupanic
ACLU of Montana
Public Policy Director

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Legal Notes, continued from previous page

- extended daycare, homework study hall or, in this case, a big-enough facility for an all-staff meeting;
 2. Where schools lease space from religious institutions for use as regular public-school classrooms, the leased space is in effect a public-school facility. Religious symbols or messages may not be displayed in any of the leased areas. The question we received was a little different since it appeared to be a one-time use. When the space is leased for children's education, the considerations tend to be stricter than when the space is used for different purposes or a cooperative program.
 3. Cooperative programs using the facilities of religious institutions must not allow or include proselytizing by clergy, school employees or volunteers.
 4. School officials may neither select nor reject the use of a private religious facility based on the popularity or unpopularity of its religious teachings. They should use such religious-neutral criteria as proximity to the school, suitability of the facility for intended use, etc.
 5. The school's arrangement for use of a private religious facility should not involve or necessitate an ongoing administrative entanglement between the school district and the religious institution, in which one party ends up exerting influence over the content, scheduling or staffing of the other's activities.
- Separation of church and state in the classroom is an important aspect of religious liberty. The Montana Office of Public Instruction provides good model policies for the state schools, and it is important for schools to be careful and meticulous in this regard.

Immigration

The American dream is our common history. It's a story as old as the United States itself – the idea that immigrants can come here and find a better life.

We anticipate that immigration reform may be one of the next big topics addressed by Congress. And like health care, it's certain to generate

controversy – especially amongst those who oppose immigrants' rights to live, work and attend school in the U.S.

A sad fact of the debate is that much of the opposition to immigration is based on myth, lies and, in some cases, outright racism.

The ACLU of Montana is working to frame the debate around facts

and the real people they impact. As part of that effort, we hosted several workshops on the issue in Helena earlier this fall.

The three-part series featured presentations on the roots of migration, facts and myths about immigrants and where the United States needs to go in terms of immigration reform.

It was jointly sponsored by the ACLU of Montana and the Montana

Human Rights Network.

The first night focused on why people come to the United States, and featured a presentation by Ra-

chel Carroll and Diego Rivas, who recently visited Nicaragua with the group Witness for Peace to learn about the economic struggles that force people to emigrate.

Economic policy decisions – in particular the North American Free Trade Agreement and the Central American Free Trade Agreement – have worsened the lot for people in Mexico and Central America. Jobs have declined and poverty has risen in those countries, Rivas said.

The following week, ACLU of Montana Public Policy Director Niki Zupanic and Kim Abbott of the Montana Human Rights Network examined the facts and myths about immigrants.

Contrary to what you might hear on a sensationalistic talk show, real statistics show that immigrants don't take jobs from Americans, they do pay taxes, and they learn English and are less likely to commit crimes than native-born citizens.

Immigrants are here to stay and more are coming. The answer to immigration reform isn't depriving immigrants of due process or confining them to detention centers. It's ensuring that all people are treated humanely and have access to a fair judicial system.



BE PART OF THE DISCUSSION

Let us know if you'd like an immigration workshop in your community or a copy of the DVD "Freedom Files: Freedom to Dream, The Rights of Immigrants."

Call our Public Policy Director Niki Zupanic at (406) 443-8590.

ACLU of Montana member Robin McDevitt models the ACLU's "Freedom Can't Protect Itself" camo hat at the annual Matthew Quigley Buffalo Rifle Match in Forsyth, Montana. Our members show their pride in standing up for civil liberties in communities across the state.



Montana Abolition Movement by Jennifer Kirby

It is an exciting time to be a part of the abolition movement. In the past month, several stories have come to light that are perfect examples of all the things that are WRONG with capital punishment. The system is broken beyond repair and it is time to do away with the death penalty.

Innocent and Exonerated

In October, two more wrongfully convicted people were released from death row. Yancy Douglas and Paris Powell were convicted and sentenced to death in Oklahoma based solely on the report of a witness who later admitted he was drunk and high on drugs and had been forced by the prosecution to testify. Douglas and Powell are the ninth and tenth persons to be exonerated in Oklahoma. They bring the number of people exonerated from death row nationwide to 138 people – eight in 2009 alone.

Douglas and Powell each lost more than 12 years of their freedom to a broken and unjust system; but they walked away with their lives. Some others were not so lucky.

Innocent and Executed

Nearly 100 years after they were executed, two great-uncles of African American nationally broadcast radio host Tom Joyner were posthumously pardoned by South Carolina's Pardons and Paroles Board for a murder they did not commit. Thomas and Meeks Griffin were executed in 1915 by electric chair for the shooting death of a 73-year-old Confederate Army veteran. They were only given two days to prepare their case. Another African American man, who may have implicated the Griffins to spare his own life, convinced a jury of their guilt and that of two other men in the case who were also executed. The man later said in sworn statements that the Griffins and the other men were innocent.

But lest anyone say that a mistake could not happen in today's era of the "modern" criminal justice system, we need only look to the case of Cameron Todd Willingham. In 1991, Willingham was sentenced to death for setting a fire that killed his three children at their home in Corsicana, Texas. A team of "fire investigation experts" testified that Willingham had set the fire, but an article by David Grann in the September 7 *New Yorker* revealed that investigators now believe the fire was accidental, possibly caused by faulty wiring. Unfortunately, this investigation came too late for Willingham, who was executed in 2004.

Cruel and Unusual Punishment

Even the guilty do not deserve to be put to death by the American justice system. In Ohio, the execution of a man convicted of rape and murder was halted after prison officials were unable to find a usable vein to administer a lethal injection. For more than two hours,

the team attempted to insert two shunts into a vein of the compliant Romell Broom, who tried several times to assist his executioners by shifting positions, rubbing his arm and pointing out possible usable veins. At one point, Broom lay back on his bed, covered his face with his hands, and cried. Another time, while sitting up, he was seen grimacing as the execution team appeared to seek a vein around his ankles. Ohio Gov. Ted Strickland granted the condemned man a one-week reprieve after being notified 90 minutes after the execution started that it had still not been completed. Brown's lawyers called the failed attempt "torture." The execution has since been indefinitely delayed by a court order, as have three other Ohio executions originally scheduled for this year.

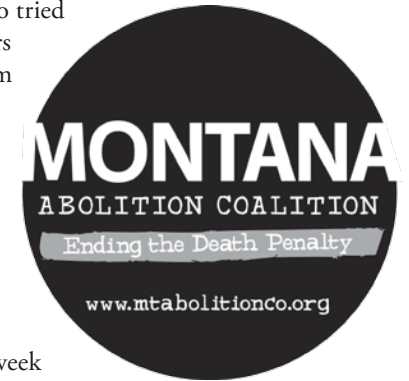
Death Penalty Abolition in Montana

As the scrutiny of the death penalty system intensifies, the eyes of the nation and the world are on Montana. In 2009, Montana attracted international attention when a bill to abolish the death penalty passed the Republican-controlled Senate. Although the bill did not make it through the full Legislature, this marked a historic first and gave hope to the entire abolition movement which had previously succeeded only in states such as New York, New Jersey and New Mexico where Democrats were in the majority. We proved that no matter which political party is in power, repeal of the death penalty is possible. And today, we are hearing "If Montana can do it, any state can."

However, with that victory also comes responsibility. The hopes of a movement now rest on all of us in Big Sky Country. And we need your help to succeed.

We're asking you to join the Montana Abolition Coalition today. Your membership in the coalition helps us further our effort to end Montana's death penalty. You'll receive a special gift for joining and also be invited to our annual meeting's membership-only event with Sister Helen Prejean. Now is your chance to join a winning campaign that is attracting international attention, so tomorrow you can say you were a part of the moment that again brought the eyes of the world onto Montana.

Jennifer Kirby coordinates the Montana Abolition Coalition



It's not every day you can say you helped move our state toward equality, saved a life, and conserved tax dollars.

It's not every day that you can truly help create change.

But TODAY, we have that opportunity.

Become a member of the Montana Abolition Coalition today!

www.mtabolitionco.org

Drug Law Reform Marches Forward

Drug law reform efforts continue to gain steam in Montana. Reform advocates have been galvanized by several recent key events, including a visit by the Drug Policy Alliance's Ethan

advocates that evening.

More than 300 people attended the drug law reform event "Cannabis at the Capitol Comes to Bozeman," sponsored by Patients & Families United, a statewide support group for users of medical marijuana.

The Harvard University graduate and former Princeton University professor told the crowd that marijuana prohibition is causing the same societal ills that alcohol prohibition caused a century ago. It's not stopping people from smoking pot, but is allowing crime to flourish in its distribution.

Medical marijuana laws are the first step toward decriminalization, which would do much to stem the crime that accompanies the current restrictions.

Nadelmann also spoke highly of the American Civil Liberties Union's national work on

drug law reform.

Federal change of heart

Medical marijuana patients and providers have for years walked an unclear line between state laws allowing pot's use for medicinal purposes and federal laws prohibiting it. Fourteen states, including Montana, allow

the medicinal use of marijuana, and users were protected on the state level although still vulnerable to federal prosecution. But the U.S. Justice Department officially changed its stance in October, announcing that it would no longer target medical marijuana users who are in clear compliance with state laws.

"It's a much appreciated, very positive step that they put it in writing," said Patients & Families United's Tom Daubert. "But there's still a lot that they need to do before the spirit and intent of our medical law can be fulfilled."

For instance, what about cases where medical marijuana users and growers are already being federally prosecuted? Will those be dropped? Or can the defendants, who are now prohibited from doing so, mention medical use in their defense? And federal agents are still told that they can pursue medical marijuana growers who distribute to people outside the scope of state law.

Montana Medical Growers Association

Meanwhile, medical marijuana growers and advocates are working to establish the Montana Medical Growers Association, a professional group to support and represent medical marijuana caregivers. Organizational meetings over the past few months have been productive, with key advocates drafting bylaws and working to establish professional standards.

"We want to provide clear rules of the road for caregivers who want to operate legally," said organizer and medical marijuana grower Chris Lindsey.

A call for members is likely this month, and Lindsey said he expects the association to draw more than 250 members.



ACLU of Montana Operations Director Katy Heitstuman checks out the medical marijuana at "Cannabis at the Capitol Comes to Bozeman."

In October, the U.S. Justice Department officially changed its stance, announcing that it would no longer target medical marijuana users who are in clear compliance with state laws.

Nadelmann, the U.S. Justice Department's announcement that it won't target medical marijuana patients and providers, and the formation of a statewide medical marijuana growers' association.

Cannabis in Bozeman

Drug Policy Alliance Director Ethan Nadelmann spoke to two packed-house crowds this fall in Bozeman – a group of health care leaders at the Montana Pain Initiative conference during the day and then a group of drug law reform

Watch Ethan Nadelmann's Bozeman speech on YouTube at www.youtube.com/watch?v=UyFpbALbhPA.

New Public Policy Work

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progress, attending meetings and joining many tours of correctional facilities.

Late last year, a team of consultants hired by the state told the Council that the state's prison population would grow by nearly 4 percent annually and recommended that the state build a massive new prison complex to accommodate this growth. While the Council rejected the consultants' recommendation for a new complex, it initially adopted the consultants' inflated population projections.

At the Council's final meeting, we submitted detailed comments and public testimony questioning the population projections and calling on the Council to consider ways to reduce our prison population. We urged the state to look at several policy alternatives, such as decriminalizing or lowering sentences for non-violent crimes and reducing the rate of re-incarceration for probation or parole violations. Ultimately, the Advisory Council backed away from the consultants' projections and re-prioritized its own recommendations. As a result, the Council's final report placed a greater emphasis on providing more beds for sex offender treatment programs and for medical and mental health needs, instead of building a new prison or expanding existing prisons.

Montana Safe Schools

On another front, the start of the school year was also the start of the Montana Safe Schools Coalition (MSSC) presenting more of our very successful Making Montana Schools Safer workshops. The ACLU of Montana is one of nine statewide organizations in MSSC, working toward creating lesbian, gay, bi-sexual and transgendered-inclusive environments in our schools.

MSSC workshops train teachers, counselors and other school staff

about strategies to reduce peer-to-peer anti-gay harassment and respond to the risks that confront targeted youth. All of our workshops also include a review of the school's anti-bullying policy to make sure they are LGBT-inclusive and protect all students. And thanks to our fundraising and grant development, we are able to provide these workshops at little or no cost to Montana schools.

MSSC is on track to provide workshops to 10 schools and community groups before year end. An ongoing challenge, however, is actually getting into the schools to bring this important training to educators. In many of the communities we reach, this training may be the only forum for discussing LGBT bias in the schools.

If you think your community's schools would benefit from such a

workshop, call the ACLU of Montana at 406-443-8590.

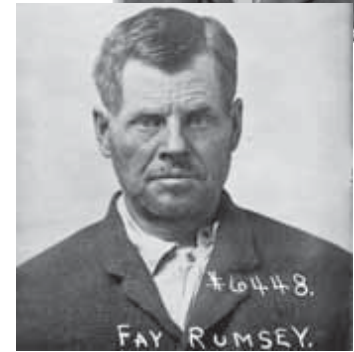
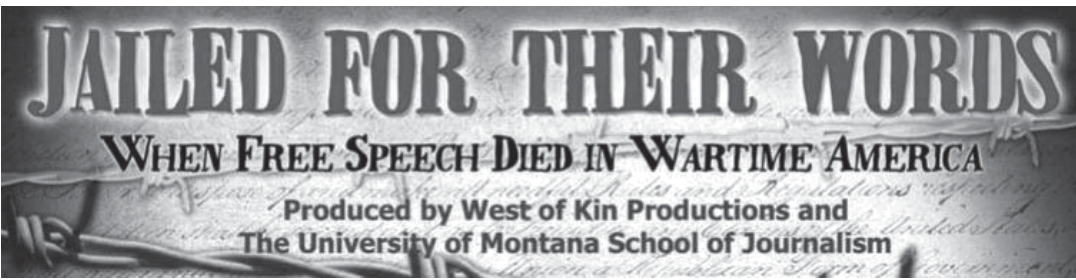
Recap

Over the last three months we have been out in our communities, speaking to our neighbors about civil liberty issues. Recent highlights of our public education program include holding a three-week series focusing on immigration issues, traveling to Bozeman and Billings for educational events with two of our coalition partners, guest lecturing about torture and indefinite detention at a Montana State University political science course, and speaking with community groups about physician aid in dying.

Look for an ACLU event near you soon – or, better yet, call the office and talk to us about bringing an event to your town!



ACLU of Montana member Jamee Greer opposes CI-102. Decline to Sign. Send your pro-choice photo to nikiz@aclumontana.org.



They were ridiculed and harassed for speaking out against the war. Neighbors called them un-American. People threatened to beat or kill them. They were thrown in jail for sedition.



This all happened about 100 years ago in Montana during World War I.

Sound familiar?

There are always those who would like to limit free speech in the name of patriotism. That's why those of us who value it must remain vigilant.

If you're looking for a holiday gift that reflects your values, consider

"Jailed For Their Words: When Free Speech Died in Wartime America," produced by the University of Montana Journalism School.

The documentary masterfully tells the story of ordinary Montanans, trying to make a living and raise families, who suffered in jail because they said they opposed World War I.

They were victims of Montana's Sedition Act, which was quickly replicated on a national level to stifle free expression.

To find out more about the film, order it, or watch a clip, go to www.seditionproject.net/jailed.html. You can also order the DVD by sending a check for \$24.95, which includes a

\$5 shipping and handling fee, to the following address:

Broadcast Media Center • 32
Campus Drive • Missoula, MT 59812
Or you can call 1-800-406-6383 with credit card information.

Kulstad, continued from page 1

a child, but also when certain strict criteria are met by clear and convincing evidence. The court recognizes a person as a parent when

- the person shows that he or she provided for the day-to-day physical and emotional needs of a child by providing food, shelter, clothing, care, education and discipline;
- the child's adoptive or birth parent allowed and intended for the parent-child relationship to develop; and,
- it is in the child's best interests to recognize and continue the parent-child relationship.

The Supreme Court found that Michelle Kulstad clearly meets all these requirements.

The Court also affirmed the district court's decision to award Kulstad a fair share of the couple's joint property.

In a concurring opinion, Justice James Nelson spoke even more broadly about the need to protect Montana's gay and lesbian citizens from prejudice.

"Sadly... this case represents yet another instance in which fellow Montanans, who happen to be lesbian or

gay, are forced to battle for their fundamental rights to love who they want, to form intimate associations, to form family relationships, and to have and raise children — all elemental, natural rights that are accorded, presumptively and without thought or hesitation, to heterosexuals," Nelson wrote. "I am convinced that until our courts, as a matter of law, accept homosexuals as equal participants with heterosexuals in our society, each person with exactly the same civil and natural rights, lesbian and gay citizens will continue to suffer homophobic discrimination."

The ACLU of Montana is committed to defending and advocating for the rights of all Montana citizens — adult or child, gay or straight. It's possible that Maniaci will attempt to appeal the Montana high court's decision to the U.S. Supreme Court, but if she does, the ACLU of Montana will continue to stand with Kulstad.

In addition to Griffing and Ridgeway, Kulstad was represented by California attorney Kevin Lewis and the ACLU Lesbian Gay Bisexual Transgender Project. Additional information about the case can be found at www.aclumontana.org.

Please Give, continued from page 3

In Montana, assaults on reproductive choice continue to threaten women's access to abortion and health care. We are helping to lead the charge against a dangerous new initiative seeking to grant fertilized eggs "personhood," and are also working to make sure that Montana students have access to accurate and complete sex education.

Our Montana Prison Project monitors complaints from Montana inmates and takes legal action as necessary to ensure that prisoners get adequate physical and mental health care and are not mistreated.

And we continuously act on national and state levels to protect your privacy.

We work on multiple fronts to accomplish our goals — representing clients in the courts with our legal program focusing on precedent-setting cases on Constitutional issues; improving public policy through lobbying and working with elected officials; and educating the public with workshops, articles and other outreach programs.

The ACLU of Montana is in a better position now to address these

and many more civil liberties issues thanks to in-state support and financial backing from the national ACLU. But vigilance is essential.

We need your help.

Continued financial support from donors will ensure that the ACLU of Montana can work to protect members of minority communities, free speech, reproductive rights, access to medical marijuana, and prisoners' rights, and that the national ACLU can continue its fight for freedom in all other states as well as on the federal level.

The ACLU of Montana is committed to raising \$123,000 this year for our foundation. Your generous giving allows us to continue to defend liberty and ensures our stability as Montana's ACLU affiliate.

We can't ever back off on our work. As the ACLU's slogan says, "Freedom can't protect itself."

Please join us as we take a stand for liberty in Montana and across the United States.

E.D. Reflections continued from page 2

Working collaboratively, we signed a stipulated agreement and helped craft a forward-looking bill creating Montana's first statewide public defender system.

Now with the young system up and running, we continue to advocate before the Public Defender Commission and within the halls of the Montana Capitol to see that the promises are being kept. Through this all, we are committed to helping educate the general public about why these policies are essential to responsible public safety policy.

This is but one example. You could follow many of our issues — whether in the field of criminal justice reform or privacy rights — and trace a similar pattern of interconnectedness between the courtroom of public opinion, the halls of government and the chambers of judicial deliberation.

Ours is a tall order. But we face up to our commitments knowing that we have a variety of tools in these three areas to advance the cause of liberty and justice for all.

— — — ACLU Memberships Make GREAT Holiday Gifts! — — — —

**Please sign me up
to be a card-carrying member of the ACLU and the ACLU Montana Affiliate!**

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Home ph: (____) _____
Office ph: (____) _____

E-mail: _____ (for ACLU/MT E-Alerts)

Enclosed is my check to the ACLU for...

Individual \$20 Joint \$35 *\$50 \$75 \$100 \$250 Other _____

* **Please give this amount or more if you possibly can.**

You can also join online at www.aclumontana.org using your credit card.
Your Membership dues support lobbying activities and are not tax-deductible



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Join Us!

- Great Falls Reception
December 5
6-8 p.m.
A. Hooker's Gallery
925 Central Avenue West
- And save the dates of
February 27-28 for our
annual meeting in Bozeman.

Fall 2009

Annual Giving Campaign Underway



Many of you have received calls from our volunteers—current and past board members—offering you the opportunity to meet with them and make your annual pledge or gift to the ACLU of Montana Foundation.

When it comes time to fight for the right to privacy, the right to make our own medical decisions, the right to live free of discrimination, the right to live the life of liberty promised in the Constitution, IT IS ONLY WITH YOUR HELP THAT THE ACLU of Montana CAN BE THERE. Thank you.

See story on page 3.