



Separation of Church and State

Educating the educators about religious liberty in public schools

Freedom of religion is one of our most cherished rights. The First Amendment protects that right in two ways. It ensures that we are freely able to practice the religion of our choice and it prohibits government from establishing a religion and forcing us to participate.

Public school children are especially vulnerable to abuses of this right. Perhaps the principal thinks the day ought to be started with a prayer over the public address system, or a teacher makes students say the Pledge of Allegiance despite a child's objections. On the other end of the spectrum, educators may deny student-organized religious clubs the ability to meet at school because they believe that is a violation of separation of church and state.

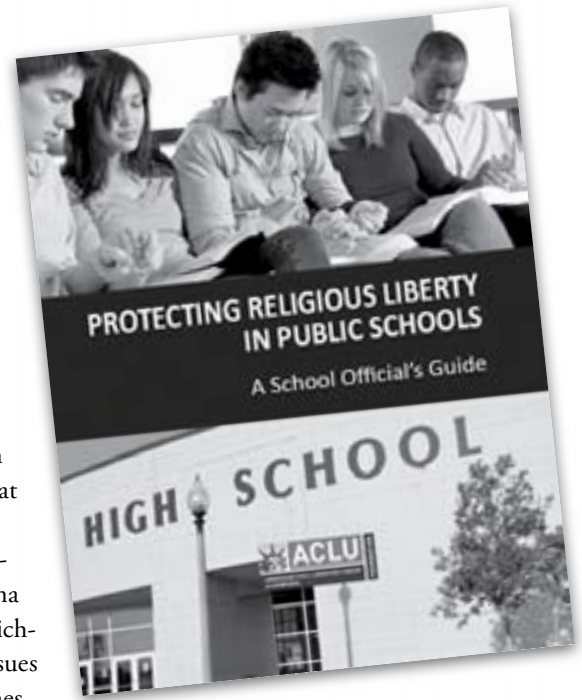
Often such decisions are made by well-intentioned educators who are trying to do the right thing, but don't fully understand the law. To help school officials navigate these issues and how they apply to real world situations, the ACLU of Montana has published a new booklet on religious freedom in public schools.

"Protecting Religious Liberty in Public Schools: A School Official's

Guide" covers what is legal and what is not in terms of prayer in school, dress codes, celebrating holidays, student religious clubs, teaching about religion and more. The ACLU of Montana mailed it to principals at every public school in Montana at the start of the school year.

"We want to partner with educators in making sure that students' right to religious freedom is protected and upheld," says ACLU of Montana Executive Director Scott Crichton. "We know that these issues can be complex when it comes to the school setting. That's why we published this guide and included realistic scenarios – to help educators understand the stances the U.S. Supreme Court has taken on religious freedom in public schools."

In short, the ACLU of Montana would rather educate administrators about this issue than have to step in when students' civil liberties are violated. We will be giving presentations on the topic at this year's Montana Education Association-Montana



Federation of Teachers conference in Billings.

When it comes to religion, public schools must keep three fundamental First Amendment clauses in mind:

The Establishment Clause:

"Congress shall make no law respecting an establishment of religion..." This clause prohibits public schools from endorsing or encouraging religion in any way.

The Free Exercise Clause: "Congress shall make no law... prohibiting the free exercise [of religion]." This clause ensures that students are free to exercise their own religious beliefs without governmental interference.

The Free Speech Clause: "Congress shall make no law... abridging the freedom of speech." This means that students are free to express their

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This newsletter is published
three times a year.

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As you can tell from the contents of this newsletter and if you've been paying any attention to the press, we at the ACLU have been extremely busy over the summer months. During an election year many of us sometimes get distracted by all the political theater, but since we are doggedly non-partisan, we do our damndest to remain focused on our strategic priorities.

I hope as members of ACLU you are cognizant of the exceptional talent we've assembled both in terms of the staff and the board of directors. The staff's work is exemplified in the adjacent stories, but the unsung heroes of our organization are the members of our board of directors.

Board members come to us from our rank and file membership. Board terms are for three years, with a three-term limit before bylaws require a break from board service. Board members give of their time, talent, and resources by virtue of gathering in various locations around the state four weekends over the course of a year and participating in monthly hour-long conference calls to stay on top of good governance for the Union and Foundation.

Board responsibilities and expectations are outlined in board guidelines available on our website (www.aclumontana.org/about-us/board-of-directors) where you will also find the dates and locations for meetings into 2014.

Board membership is kind of like the Marines – it is not for everyone. But should you think of yourself as one of “the few, the brave,” and think you may be interested in board service, I encourage you to contact me. Serious candidates will be asked for a letter of interest outlining briefly why you might want to serve and what skills and interests you would bring to the table. The



Traveling Hopefully
Scott Crichton
Executive Director

Governance and Nominations Committee assesses those letters and, after discussions with candidates, will present a slate for the membership to ratify early in 2013.

Please mark your calendars for our December 1 gathering in Missoula where we will not only engage in our post election/pre-legislative session discussion, but also honor the 2012 Jeannette Rankin Civil Liberties Award recipients (see p. 3). I hope to see you there.

On the elections, Lee Newspapers (owners of the Billings Gazette, Missoulian, Helena Independent Record and Montana Standard) released results from the Mason Dixon polling they commissioned less than 50 days out from the election. The headlines from that polling made it sound like the fix was in, and could lead one to question, “Why should I bother to vote at all?” But remember, there are lots of undecided and yet-to-be educated voters who still need to make up their minds about initiatives and referendums that will impact civil liberties (see story p. 7). Please help educate them about the importance of participating, what each of the ballot measures actually means, and how they could be the vote that makes all the difference.

..... **Session 2013**

Preparations for the 2013 legislative session are well underway, with ACLU of Montana staff meeting with candidates and returning legislators, developing our legislative agenda, and laying the groundwork for defending and expanding civil liberties at the Montana State Capitol next year. Be sure to subscribe to our e-alerts and follow our weekly updates at aclumontana.org for more information on legislative developments that impact your civil liberties.

Jeannette Rankin Awards in Missoula Dec. 1

ACLU to Honor Planned Parenthood and Kalispell Teen

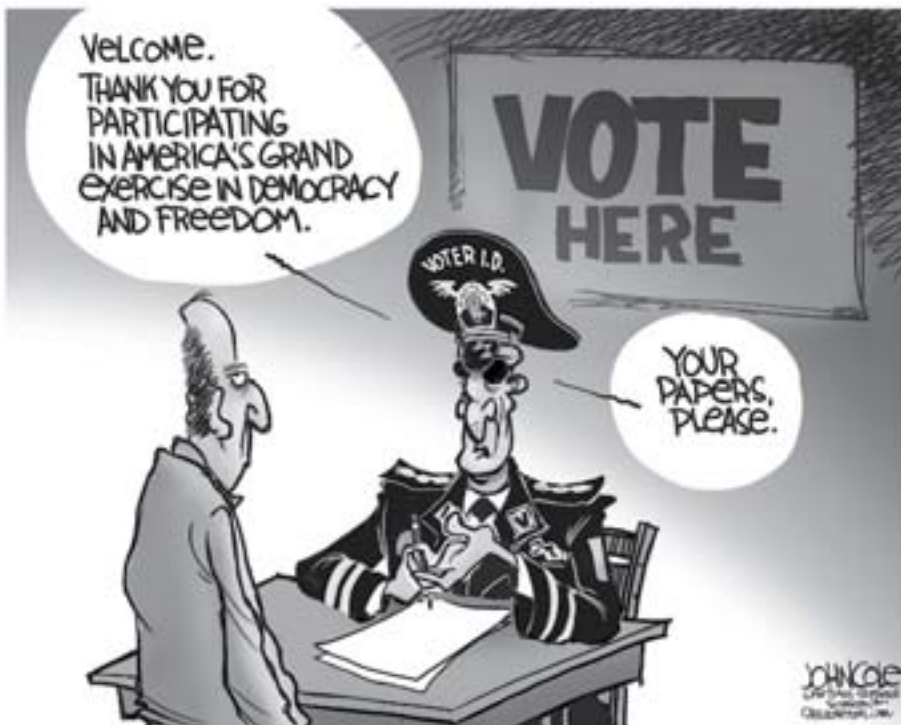
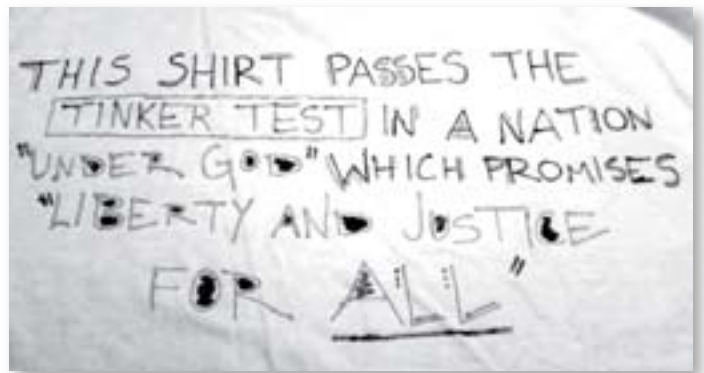
The ACLU of Montana will honor Planned Parenthood of Montana and Flathead High School senior Barrie Sue Sugarman for their exemplary commitment to promoting civil liberties in Montana.

Planned Parenthood withstood relentless attacks from those so determined to deny a woman's right to choose that they sought to wipe out funding for all Planned Parenthood programs, including contraception, breast health and women's health services. In the face of those attacks, the organization still covered significant ground, including winning its case against the state of Montana over its refusal to provide prescription contraception coverage for minors enrolled in Healthy Montana Kids (formerly the Children's Health Insurance Program, or CHIP).

When Flathead High School administrators sent a student home last school year for wearing a shirt that said, "Legalize Gay," Barrie Sue Sug-

arman knew students' rights were being violated. "This is a clear violation of the First Amendment, which gives U.S. citizens, INCLUDING STUDENTS, freedom of speech. The Tinker v. Des Moines Supreme Court case from 1969 specifically outlines this freedom of speech for students," she wrote while organizing a free speech demonstration at her school. During the "T-shirts for Tinker" protest, students wore T-shirts with a variety of messages on the front and T-shirts for Tinker on the back, showing administrators they understood their rights.

The Rankin Awards will be held at 6 p.m. at the Missoula Winery and Events Center, 5646 W. Harrier. Email katyh@aclumontana.org to RSVP.



Barrie Sue Sugarman (left) organized a demonstration at Flathead High School in Kalispell this year to stand up for students' free speech rights. She will be honored on December 1 with a Jeannette Rankin Award in Missoula.

Wondering how Voter ID and Registration laws played out in Montana? What about the process of redistricting? The ACLU has led efforts across the country to fight voter suppression. Read the article on page 7 to find out more.

Montana Prison Project Tackles Unconstitutional Conditions and Policies

Montana jails and prisons are undergoing new scrutiny from the Montana Prison Project and its new director, ACLU Staff Attorney Anna Conley.

In August and September, Conley was able to get Custer County to close its unsafe and unconstitutional jail and filed two new lawsuits demanding equal treatment of female prisoners.

Custer County Jail

Custer County Commissioners voted in September to move prisoners from the county's unsanitary, unsafe and unconstitutional jail in response to demand letters sent from the ACLU of Montana.



Custer County Detention Center, Miles City

Prisoners will be held in another county's jail, and the Custer County Jail will only be used for short-term holding of prisoners overnight to give them the opportunity to post bond before being transported.

This is a good thing. The conditions in the jail, particularly the basement cells, are unfit for habitation. On a tour of the jail in June, Conley observed three colors of mold in the basement where prisoners are held, which also has fire safety issues and a falling ceiling in at least one place. When prisoners are let out of their cells, the only place they have to go is a narrow hallway. They have no access to fresh air or sunlight – a constitutional violation.

Custer County officials acknowledge that the jail has serious issues – issues they could not defend in court.

Montana Women's Prison

In our lawsuit targeting discriminatory treatment against women prisoners, the ACLU of Montana is suing the Montana Women's Prison for forcing inmates to participate in a mandatory "treatment" program entitled "Right Living Community" and denying them the opportunity to attend boot camp, an intensive program that provides male prisoners with educational and training opportunities and the chance for a reduced sentence.

Until 2006, female inmates, like male inmates, were able to voluntarily attend a corrections boot camp, either by being sentenced to it by a judge or by applying and being accepted for entry. Boot camp was replaced with the "Right Living Community," a mandatory program in which female prisoners are forced to live in "therapeutic" communities where privileges are based upon their participation in meetings and homework, and privileges can be taken away by other prisoners who are ranked higher in their pod's hierarchy. Those who refuse to participate are placed in solitary confinement with no work opportunities and limited educational opportunities.

"Prison officials touted orientation into the Right Living Community as a substitute for boot camp, but in reality it is nothing of the sort and constitutes gender discrimination," said Conley. "Ultimately, we are seeking an order prohibiting the Department of Corrections from requiring participation in the Right Living Community and giving female prisoners access to boot camp."

Helena attorney Ron Waterman and Billings attorney Kyle Gray are working with the ACLU on the case.

"One of the plaintiffs in our case was convicted at the same time as a male co-defendant in the same incident. He successfully completed boot camp and was released on probation in October 2011," said Gray. "Our female client, however, could not attend boot camp and has no opportunity for a reduced sentence. She will be incarcerated until September 2013. This is gender discrimination, plain and simple."

Missoula County Jail

The class action lawsuit filed against Missoula County seeks to end discriminatory treatment of female and juvenile prisoners at the Missoula County Jail, who, unlike male prisoners, are denied access to fresh air, sunlight and the outdoors.

Both of the Missoula County Jail housing units used for male prisoners have access to an outdoor recreation yard which male prisoners are allowed to use for one

Workshop will Address Overuse of Solitary Confinement

On any given day, more than 80,000 American prisoners are locked in isolation 23 hours a day without human contact and with little or no access to the outdoors. Corrections officials argue that solitary confinement is necessary to maintain safety and order and that the practice modifies prisoner behavior.

But experience shows solitary confinement in these “Special Housing Units” (SHU) modifies inmate behavior in unwanted and damaging ways. Deprived of any meaningful human contact, prisoners suffer from anxiety, depression, paranoia, and sometimes even hallucinations. The mental deterioration is called SHU syndrome and is recognized by many psychiatrists. Some prisoners attempt suicide because of the extreme loneliness they experience in these cruel, inhumane conditions. They often complete their prison sentences in solitary and are released directly into society with little or no ability to cope with other people. Many end up back in prison.

The ACLU of Montana is working to end the overuse of solitary confinement in Montana prisons, es-



Eldon Vail, former Secretary of the Washington State Department of Corrections, will offer strategies at our November 15 workshop in Missoula about how prisons can move more inmates out of solitary confinement.

tions, about how prisons can move more inmates out of solitary confinement and into the general population and about the special needs of mentally ill prisoners. Vail has 35 years of experience in corrections and has directly overseen three prisons. There will be the opportunity for questions.

The ACLU of Montana has been involved in this issue since 2009 when we filed a lawsuit on behalf of a teenage prisoner with mental illness who was being held in solitary confinement at Montana State Prison. Raistlen Katka tried to commit suicide four times at the prison, with a nearly successful attempt in June 2010. In the summer of 2010 we were successful in getting Raistlen transferred to the Montana State Hospital. He has since been released, and the ACLU has reached a settlement with Montana State Prison that restricts the amount of time juveniles and mentally ill inmates can be placed in solitary confinement to 72 hours unless additional time is

approved by the warden or the director of the Montana Department of Corrections

But there is still work to do. There are no restrictions on the use of solitary confinement on adult prisoners in Montana. The overuse of solitary confinement is of growing concern across the United States as civil libertarians, prisoners’ rights advocates, psychiatrists and corrections officers become increasingly aware of its pitfalls.

Solitary Confinement Overused, Cruel and Ineffective

When: Thursday, November 15, 2012, 7 p.m.

Where: Room 201, University of Montana
School of Law in Missoula

Cost: Free of Charge

pecially on juveniles and prisoners with mental illnesses. On November 15, we will host a program in Missoula to educate students and the general public about what solitary confinement entails, how it psychologically harms prisoners and how that hurts us as a society. Participants will hear from prisoners, corrections officials and psychiatrists in a 50-minute National Geographic documentary “Solitary Confinement.”

They will then hear from Eldon Vail, former Secretary of the Washington State Department of Correc-

From Grief to Forgiveness

In 1987, Rev. Walt Everett's son, Scott, was shot and killed at the age of 24. For almost a year afterwards, Everett found it difficult to even go through the motions of his work as pastor. It was only when he heard the perpetrator express remorse during his sentencing that Everett felt God nudging him. So he began his journey from grief to forgiveness.

The Montana Abolition Coalition (ABCO), United Methodist Board of Church & Society and the Montana Association of Churches sponsored a multi-city tour of Montana featuring Everett in September. He shared his message of hope and forgiveness in Columbia Falls, Kalispell, Shelby, Choteau, Great Falls, Belgrade, Livingston and Billings.

That opening for forgiveness at Mike Carlucci's sentencing turned into a letter to Carlucci in prison, which turned into a prison visit. Eventually Everett spoke at Carlucci's parole hearing, urging the board to release Carlucci as a changed man. Today the two tour the nation together and separately speaking out against the death penalty.

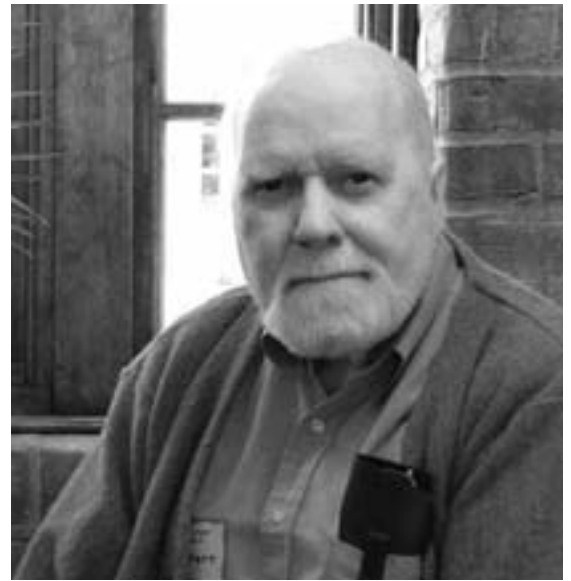
Everett says he was filled with rage when Carlucci was given a sweetheart deal because of sloppy police work. He was sentenced to only five years in prison for Everett's son's murder. But Everett heard something genuine in that short apology at the sentencing. And he knew his anger was destroying him.

"Holding onto anger is like drinking poison and expecting the other person to die," says Everett, who added that letting go of that anger and turning it into forgiveness has been a blessing in his life.

Everett's Montana tour is part of ABCO's ongoing efforts to reach out to diverse populations in its work to end the death penalty in Montana. Church groups are a key part of that ongoing effort.

That effort also includes reaching out to people of diverse faiths. Rabbi Ed Stafman of Congregation Beth Shalom in Bozeman has joined the work by speaking about the death penalty in Jewish teachings – which is also the starting point of Christian tradition on capital punishment – and his work as a former death penalty defense attorney in Florida.

To learn more about ABCO, visit www.mtabolitionco.org, or to see videos of Walt Everett telling his story or Rabbi Ed Stafman talking about the death penalty, go to www.aclumontana.org.



Reverend Walt Everett

District Court Rules Against Lethal Injection Protocol

The ACLU of Montana struck a significant blow to the death penalty in September when District Court Judge Jeffrey Sherlock ruled the state's lethal injection protocol unconstitutional.

Sherlock ruled the protocol violates the Montana Constitution's heightened protections from cruel and unusual punishment because it lacks sufficient safeguards to guarantee inmates will be executed in a manner that prevents pain and suffering, and that it directly conflicts with the state's execution statute, in violation of the separation of powers between the legislative and executive branches of government.

Ron Waterman of Gough, Shanahan, Johnson and Waterman, in cooperation with the ACLU of Montana, filed the lawsuit *Smith v. Ferriter* on behalf of death row inmate Ronald Allen Smith in 2008, challenging the lethal injection procedure in Montana as a violation of cruel and unusual punishment and Montana's right of human dignity. The lawsuit now also includes Montana's only other prisoner on death row, William Gollehon.

Sherlock ruled that the execution protocol was chiefly lacking in its designation of the prison warden – who has no medical training – as the person who determines whether the inmate being executed is unconscious prior to administration of the fatal

drug, and in the fact that the prison official setting up the execution is not required to have specific experience with IVs.

"We are pleased that the court recognizes the insufficiencies of the state's lethal injection protocol and that those insufficiencies create a situation where executions could inflict pain and suffering," said Waterman. "If the state insists on carrying out this most extreme sentence, it has an obligation to do so in a manner that upholds the U.S. and Montana Constitutions."

Judge Sherlock also noted that the protocol, which calls for a three-drug process, differs from the statutory two-drug protocol, violating the separation of powers and increasing the "likelihood for confusion and error in the execution."

"All three of these concerns create a substantial risk of serious harm violative of the Plaintiffs' right to be protected from cruel and unusual punishment," Sherlock wrote in his order.

Sherlock's order means Montana cannot execute prisoners unless it remedies these deficiencies. This would likely require changes by both legislative and executive branches of government, given that the Montana statute governing lethal injection is outdated and does not conform to current practices.

Lethal Injection, cont. on page 8

Vote “NO” on Parental Notification, Medical Marijuana Restrictions, and Denying Immigrants Services

by Niki Zupanic, ACLU of Montana Public Policy Director

The ACLU of Montana has taken a position on three of the five measures that will appear on the November ballot. We recommend an “against” vote on the following ballot measures:

LR-120 – PARENTAL NOTIFICATION would require that a young woman’s parent be notified, or that she appear before a judge, before she could have an abortion. This measure makes minor changes to a law that a state court struck down more than a decade ago in an attempt to revive that unconstitutional law. Laws like these do more harm than good by placing young women at greater risk of medical complications caused by delayed care, harming themselves, and facing abuse at home. In Montana, more than 90 percent of young women who access abortion services include their parents in their decision. Unfortunately, there are some young women who justifiably fear that they will be physically or emotionally abused if forced to disclose their pregnancy against their will. This measure puts the health and safety of those young women in jeopardy and chips away at the right to privacy for all Montanans.

LR-121 – DENYING IMMIGRANTS SERVICES would require Montanans to prove their citizenship in order to receive certain state services, including admission at any of our state colleges, applying for a professional or trade license, or even trying to get help as the victim of crime. LR-121 replaces our open and welcoming values with federal databases and bureaucratic screenings – more red tape that you and your family will have to fight through when you apply for state services. Montanans have fought

back against attempts to create a national identification card and we rejected Real ID. But LR-121 would force state employees to check your identity against a federal database and then report you to federal officials if something didn’t match up. Worst of all, this federal database is not free, and the state will bear the cost of using the system and training employees to use it.

IR-124 – MEDICAL MARIJUANA RESTRICTIONS

asks voters to approve or disapprove the draconian anti-medical marijuana law passed by the 2011 Montana Legislature. That

law severely restricts patients’ access to their medicine by limiting the number of patients a provider can grow for and banning patients from paying their providers, even if just to reimburse the providers’ costs. Patient advocates placed this measure on the ballot so that Montana voters could reject the bill passed by the Legislature. We urge voters to issue their own “veto” of the law and vote against IR-124.

You can find more information about these ballot measures, including links to the full text of all the measures, at aclumontana.org.



Niki Zupanic
ACLU of Montana Public Policy Director

In Other Voting News

Voter ID and Registration Laws

Voting rights are under attack in this country as state legislatures nationwide pass voter suppression laws under the pretext of preventing voter fraud and safeguarding election integrity. These voter suppression laws include stringent identification and proof of citizenship requirements and eliminate early voting and same-day voter registration. Thanks to Governor Brian Schweitzer vetoing two such bills, Montana did not join the list of nearly 20 states that have added significant new burdens for eligible voters trying to exercise their most fundamental constitutional right.

In Montana, the deadline for regular registration is 30 days before an election, but if you miss that deadline, you can still register and vote in the election by registering at your county election office up through the close of polls on Election Day. When you go to the polls, you will be asked for a current ID. If you do not have a photo ID, you can still provide a current utility bill, bank statement, paycheck, voter confirmation

notice, government check or other government document that shows your name and current address. And if you do not have any of these items, ask the polling place volunteers about an ID form or voting with a provisional ballot. For more information about registering to vote and casting a ballot, visit sos.mt.gov.

Redistricting

The Montana Districting and Apportionment Commission unanimously approved tentative district lines for the six majority-minority House districts at its August meetings. The approved districts closely follow the district lines formally endorsed by the seven tribal councils across the state, acknowledge important cultural, social, and economic ties within the tribal communities and surrounding areas, and preserve a healthy margin of American Indian voting strength in those tribal communities. These lines will remain tentative and subject to change until the Commission takes more public comment and adopts a final plan in November.

Lethal Injection

continued from page 6

Several legislators have already publicly pledged to oppose any effort to change the law, including members of a new organization called Montana Conservatives Concerned About the Death Penalty, which grew out of organizing by the Montana Abolition Coalition.

Smith's execution was stayed in 2011 pending the outcome of this lawsuit. Smith is also awaiting a decision from Montana Gov. Brian Schweitzer on his petition for clemency.

Religious Liberty

continued from page 1

religious views at school, within certain guidelines.

Together these clauses protect students from having religion imposed upon them by school administrators and teachers, while at the same time ensuring they can freely practice and express their own religious views.

This isn't to say that there is no place for religion in public schools. Religion has greatly impacted world and U.S. history, has influenced writers and musicians and continues to influence politics. Teachers can teach about religion in these contexts, but they must make sure they don't cross the line and promote or endorse any particular religion.

Students must always be free to express their own religious views. If schools permit student clubs to use school facilities, they must allow student religious clubs to do the same. Students can pray at school so long as they are initiating the prayers on their own accord without any educator encouragement or assistance.

We hope our new guide will help educators answer questions about what religious activities are constitutional in the school setting and ultimately protect students' rights.

The full text of the guide, links to one-minute podcasts about U.S. Supreme Court cases that pertain to religious freedom in public schools and other resources are available at www.aclumontana.org.



MT Prison Project, continued from page 4



Anna Conley
Montana Prison Project Director

hour a day, five days a week. Female and juvenile prisoners, however are only given recreation time in an indoor gym. That gym's windows are high above the

floor and are only opened during fair weather. Even with the windows open, prisoners are able to feel little fresh air. They must take turns in the small spots of sunlight that shine on the gym floor for short periods of time.

"Male prisoners are able to breathe fresh air and spend time in the sunlight. Yet, despite repeated grievances from female prisoners, both women and juveniles at the jail are denied this opportunity," said Scott Crichton, executive director of the ACLU of Montana. "As a result, our plaintiffs report skin problems, hair loss, depression and panic attacks from being deprived of fresh air and outdoor exercise."

Courts have repeatedly ruled that outdoor exercise is important to the psychological and physical well-being

of prisoners and that deprivation of access to fresh air and sunlight constitutes cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

A fenced area outside both the juvenile and women's housing units could be used for outdoor recreation. Likewise, a canvas curtain, like the one used in the gym, could be used to separate male prisoners from female and juvenile prisoners in the recreation yard.

"The solution to this discrimination is simple and obvious," said Greg Munro, cooperating attorney on the case.

"It's unfortunate that Missoula County Jail officials have repeatedly ignored requests that they fix the problem, leaving our only option to sue."

Crisscrossing the state with free Code of the West screenings

Exploring the heart of the medical marijuana debate

The documentary film “Code of the West” tells the emotional story of the medical marijuana political debate in Montana through the lens of the 2011 Montana Legislative Session.

At the time, numbers of medical marijuana patients were growing and the industry to provide them with medical marijuana was booming even as some legislators sought to criminalize it and federal agents began raiding growers.

The ACLU of Montana is hosting a series of free screenings of the film as part of its mission to educate the public about medical marijuana, drug law, and the impact drug convictions have on prison overpopulation and tearing apart families. Voters will decide in November whether to approve the severe restrictions

legislators placed on growing and dispensing medical marijuana or if the law should return to the way it was before the 2011 Session.

Screenings have already been held in Hamilton, Havre, Choteau, Conrad, Kalispell, Whitefish, Butte, Manhattan and Livingston, with five more to come in October.

Filmmaker Rebecca Richman Cohen examines the issue through the eyes of patients, growers, opponents and legislators.

“My team and I have tried to capture the human story behind the legislative process of state-level marijuana policy reform – a messy, tangled affair that has implications for policy reform in other states as well as the democratic process in the nation at large,” Cohen says.

The movie has been featured



at SXSW, the Independent Film Festival of Boston and other film festivals across the country. If you missed seeing it earlier this year, now's your chance.

Check out the trailer at www.aclumontana.org

Free Screenings

Red Lodge

Tuesday, Oct. 16, 6 p.m.
Red Lodge Carnegie Library
3 West 8th Street

Miles City

Wednesday, Oct. 17, 6 p.m.
Miles City Public Library
1 South 10th Street

Glendive

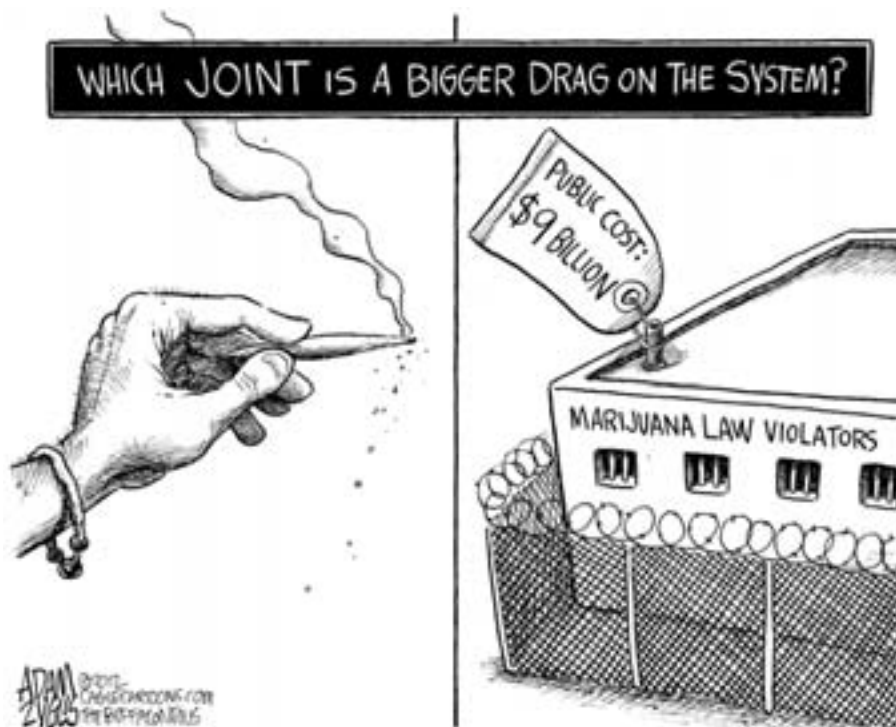
Thursday, Oct. 18, 6 p.m.
Glendive Public Library
200 South Kendrick Avenue

Lewistown

Tuesday, Oct. 23, 6 p.m.
Lewistown Public Library
701 W Main

Great Falls

Wednesday, Oct. 24, 6 p.m.
Montana Actors Theater
111 Central Avenue



Montana voters have the chance to reject the draconian anti-medical marijuana law that the 2011 Montana Legislature passed. Read the article on page 7 to find out more about why you should vote “NO” on IR-124.

WHY WE INCLUDED THE ACLU IN OUR ESTATE

▼ John Masterson (Missoula)

I included ACLU in my future plans because it's a way to keep doing good after I am gone, because it was so easy to set up, and because the work of the ACLU to defend our constitutional rights is so important."



▲ Jim Heckel & Pam Smith (Great Falls)

"We believe that without the preservation and strengthening of our basic rights, all other concerns for our national future go by the wayside. Since the ACLU is the only organization consistently dedicated to that ideal, the choice to support the ACLU through our estate planning became obvious." Here's Jim climbing Mount Cannon in Glacier National Park.

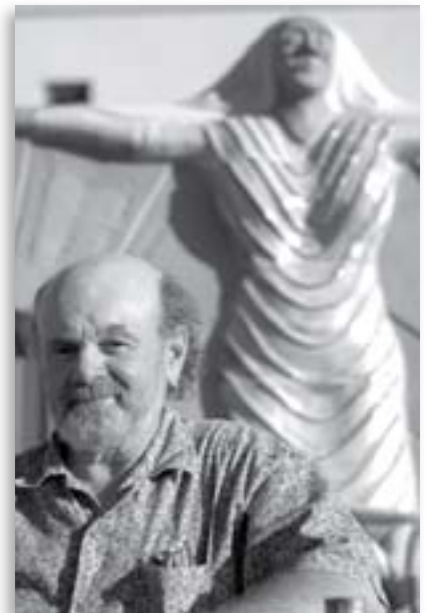
Ninia Baehr (Manhattan) ▼

"I care about a lot of issues – LGBT equality, reproductive rights, racial justice, and aid in dying, to name just a few. With one gift to the ACLU, I know that I am supporting a solid, trustworthy organization that will outlast me and keep working on these and other vital issues long after I am gone." Here's Ninia with her neighbor's horses on a cloudy afternoon this past summer.



Chip Clawson (Helena) ►

"I support the ACLU because of the wide range of important issues they engage in and a willingness to work with groups toward a common goal, even when they differ on other issues." Here's Chip in front of his sculpture "All Women Are Role Models Arch" at the Montana Women's Prison.



The Legacy Challenge

If you name the ACLU to receive a bequest through your will or living trust, or name the ACLU as a beneficiary of your retirement plan, savings account, or life insurance policy, our generous donor the Lu Esther T. Mertz Charitable Trust has set aside \$2 million in matching funds to make a cash donation today equal to 10 percent of your future gift's value, up to a maximum match of \$10,000.

For more information, please contact Kileen Marshall, ACLU of Montana's Development Director, at kileenm@aclumontana.org or call toll-free (877) 867-1025.

Super Chicken Triumphs over Chicken Little

When is a chicken sandwich not just a chicken sandwich?

After national attention was cast on Chick-fil-A owner, Dan Cathy's stance on "traditional marriage," the sandwich became a rallying point for anti-LGBT sentiment and stood as a symbol of intolerance to those who love and support fairness for lesbians and gays.

Montana Family Foundation (MFF) chose this divisive product as the vehicle for a September "benefit" in Billings. The foundation called on people to buy chicken sandwiches trucked in from out of state and sold drive-thru style as a fundraiser for their work – which includes discriminatory work against the LGBT community. Ultimately Chick-fil-A did not provide sandwiches for the Montana Family Foundation event, and they sold chicken nuggets to a handful of people instead.

Fair is Fair Montana, partnering with the Montana Human Rights Network, Pride Foundation, Not In Our Town Billings, and TAP 365 organized the Fairness for ALL Families Rally a short distance away from the MFF fundraiser. In sharp contrast to their nearly empty parking lot, the Fairness for ALL Families Rally drew more than 100 people to support families of all types – but especially LGBT families. The rally field was filled with balloons, hula

hoops, kite fliers, face painters, an arts and crafts booth and a sign station where attendees could make their own signs of support and then step into a photo booth for photos. Pita Pit Billings, a local business that generously supports equality, sold "Equality Chicken Pitas" (plus a vegetarian option, as well) as a fresh, healthy, local alternative to the discrimination chicken, and donated the proceeds to the rally.

Speakers from the Billings community included Father Waddingham of St Luke's Episcopal Church, Montana author and activist Bobbie Zenker, Eran Thompson of Not In Our Town Billings, Senator Lynda Moss, and Liz Welch, coordinator of the rally and organizer for Fair is Fair Montana.

In the spirit of community, the Fairness for ALL Families was attended by organizers of many other organizations including Planned Parenthood, Montana Women Vote, Sky Wind World, and Montana Organizing Project.

Thanks to all who attended, offering love and support for all families.



In Other LGBT News

Helena nondiscrimination ordinance

The City of Helena is considering a proposed ordinance to prohibit discrimination based on sexual orientation and gender identity and expression in the areas of employment, housing, and public businesses. We expect the city will hold hearings within the next month, and public comment in support will be critical to making sure the measure passes. Visit aclumontana.org or email nikiz@aclumontana.org for the latest information and to get involved in supporting the ordinance.

Domestic Partnerships...still waiting

As we go to publication of this newsletter, we're still awaiting a decision from the Montana Supreme Court on our lawsuit, *Donaldson and Guggenheim v. State of Montana*, seeking domestic partnerships for same-sex couples.

The Montana Supreme Court heard oral arguments in April in our appeal of the District Court decision dismissing our lawsuit. Stay tuned for a decision.



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Fall 2012

Exercise Your Constitutional Right!

The ACLU is committed to protecting voting rights across the United States. In Montana that means fighting restrictions like voter ID and attacks on Voting Day registration and making sure that redistricting protects Native American voting rights.

Exercise your right to vote on November 6 (or earlier with your absentee ballot).

See page 7 for information about your voting rights and for our recommendations on three initiatives that could impact your civil liberties.

