



## Montana Prison Project Defending Civil Liberties

Defending civil rights means protecting the rights of everyone. Who but the American Civil Liberties Union, though, looks out for the rights of prisoners?

In the past few months the ACLU's Montana Prison Project filed two important cases on behalf of people incarcerated in Montana.

The first was a case against Lake County for a woman who was denied prescribed medication while incarcerated in March 2009 in the Lake County Jail for traffic offenses. Bethany Cajune was four months pregnant at the time and being treated for addiction to painkillers previously prescribed after surgery.

Abruptly denied her medication, Bethany went through rapid withdrawal. She suffered from vomiting and diarrhea and passed out in her cell. Severe dehydration caused her to lose 10 pounds in just over a week and jeopardized the life of her unborn baby.

"I was afraid my baby might die," Bethany said. "No one should go through what I went through."

The second case was filed on behalf of a 17-year-old boy who has been locked in solitary confinement in Montana State Prison's super max for almost a year. "Robert Doe" is mentally ill and so traumatized by his incarceration in solitary that he



Client Bethany Cajune with baby Seantaya

has twice tried to kill himself by biting through his wrist to puncture a vein.

Being locked up alone in a small space makes Robert relive the abuse he suffered as a child, when he was beaten and locked up at home. In addition to locking him in solitary, prison staff Tasered, pepper sprayed, and paraded him naked through the prison in full view of other inmates.

"The conditions that Robert Doe has been subjected to clearly violate

the U.S. Constitution's 8th Amendment prohibition against cruel and unusual punishment and the Montana Constitution's right to human dignity for any prisoner, especially a minor," said ACLU of Montana Staff Attorney Jennifer Giuttari.

The Montana Prison Project is the brainchild of Giuttari, a University of Montana Law School graduate. She first worked for us as a legal intern, was hired full-time in the fall of 2008, and immediately jumped into work on prison conditions and treatment of inmates.

Without the Montana Prison Project and the generous cooperating attorneys who help us with these cases, people like Robert and Bethany would have nowhere to turn.

Helena attorney Andree Larose of Reynolds, Motl, & Sherwood, and National ACLU Human Rights

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### American Civil Liberties Union of Montana

P.O. Box 1317

Helena, MT 59624

Phone: (406) 443-8590

Fax: (406) 457-5484

[www.aclumontana.org](http://www.aclumontana.org)

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**Scott Crichton**, Publisher

**Amy Cannata**, Editor

**Bill Rossiter**, Editor

**Beth Satre**, Layout & Design

## Baxter: What does it mean and where do we go from here?

The Montana Supreme Court waited until the last day of 2009 to issue its 68-page ruling in the *Baxter* case. Robert Baxter, a retired truck driver from Billings, suffered prolonged, unbearable pain from a terminal medical condition that has no cure and offers no prospect of recovery. Mr. Baxter wanted a physician's assistance in ending his life. He was represented by Mark Connell of Missoula and Kathryn Tucker from Compassion and Choices, a national nonprofit advocacy group seeking to expand legal protections for people to exercise their right to die.

Essentially the Supreme Court said that it could address the issue as a matter of existing statute and public policy and, thus, it did not need to reach a constitutional conclusion. Presiding Chief Justice Leaphart wrote the Court's opinion. Chief Justice McGrath recused himself, since before joining the Court he had filed the appeal as Montana's Attorney General objecting to District Court Judge Dorothy McCarter's 2008 decision, which extended constitutional protections to the procedure. In the 5-2 decision, the Court vacated McCarter's decision but found physician assisted death to be protected under one of the exceptions explicitly written into Montana's homicide law.

The full decision, worthy of the time it takes to read, includes an interesting explanation of the *Rights of the Terminally Ill Act* which has been part of Montana statute since 1989. The decision also contains a concurring opinion by Justice Nelson that reflects arguments presented in the ACLU amicus brief on the rights of privacy and human dignity. The full decision can be found online at the ACLU Montana website ([aclumontana.org](http://aclumontana.org)) by clicking on the link "High Court Rules for Patients," and then the link "Read the Decision."

Arguably, physicians in Montana now have a clear decision from the Court. The ruling protects doctors who decide to assist a mentally competent, terminally ill adult patient by providing a prescription for a lethal dose to be self-administered by the patient. Unfortunately, the decision is still no guarantee that an over-zealous county attorney will not seek prosecution. It remains possible that doctors may have to defend their actions in court at significant expense.



### Executive Director Reflections

*Scott Crichton*

Both the District and Supreme Court rulings contain a common understanding that the legislature has an important role to play. Lawmakers need to weigh the arguments and set policy about how—or perhaps whether—terminally ill adults in the final stages of illness will be able to speed their own death with dignity and privacy.

What is interesting about these issues, unlike other controversial life-and-death issues before the legislature, is that each of us may face them. Not only must we face our own aging and death, we will perhaps see other family members face these most personal end-of-life choices as well.

### Conference on End of Life Decisions

Because death is an unsettling topic and one we often try to ignore, it is important to discuss it in a civil manner in a civic setting. To that end, ACLU is holding a conference inviting participants with many diverse and sometimes opposing perspectives to meet for a community conversation. (See page 9)

We do this in the spirit of Jeffersonian democracy, assuming that a free exchange of opinion and fact will help lead to informed and enlightened public policy. We want to advance the public's understanding of the issues well before the primary and general elections determine the 150 legislators who will grapple with crafting relevant laws in 2011.

If you are interested in attending the conference, you will soon be able to register online. We are seeking a grant from Humanities Montana to help pay for a portion of the costs involved. However, we certainly will appreciate any contributions from individuals who want to help us pay for the expenses of promoting, producing and documenting this effort.

In my last communication with all of you, I spoke of a case in progress, information about which was confidential.

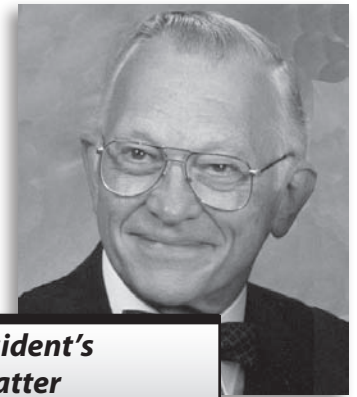
That case, which is now in the public record and reported on our website (click on the link, “ACLU sues over abuse of teen inmate”) concerned the treatment by the Department of Corrections of a juvenile locked in solitary confinement. This is truly a landmark case—one which will help to set standards of conduct in our state prisons and jails for years to come. It is emblematic of the types of significant cases which your affiliate undertakes on your behalf, and on behalf of all people of our country.

Your ACLU affiliate is proud to be numbered in the forefront of organizations dedicated to protecting civil liberties. We have baseball caps available emblazoned with the words “**Freedom Can’t Protect Itself**” in bold, yellow letters. (Call the ACLU Montana office or come to one of our meetings to get one). Those who work in

the area of civil rights realize the truth of this saying.

As Michael Douglas said in the film, *The American President*, “The ACLU has only one purpose, and that is to preserve and protect the Bill of Rights—the first 10 amendments to the Constitution.”

You, too, can be proud to carry an ACLU membership card!



**President's  
Patter**

Ed Stickney

## Annual Meeting to Examine Rendition and Torture ••• Feb 27 in Bozeman •••

National ACLU Human Rights Program Attorney Steven Watt will keynote this year's February 27 annual meeting in Bozeman, speaking about rendition and torture.

Watt is the lead attorney on the ACLU's case against Jeppesen Dataplan (*El Masri v. Tenet* and *Mohamed v. Jeppesen*), which goes after the company for supplying the aircraft and chartering flights used in the United States' illegal extraordinary rendition of prisoners to foreign countries for detention, interrogation and torture.

He is also a cooperating attorney on our own case here in Montana to free the teenage “Robert Doe” from solitary confinement in the Montana State Prison.

Watt's other cases include: *Ali v. Rumsfeld*, a suit challenging U.S. interrogation and detention practices in Afghanistan and Iraq; *Sabbithi v. Kuwait*, a case on behalf of three Indian women trafficked into the U.S. and enslaved by their diplomat employers; and *Gonzales v. United States*, a case before the Inter-American Commission of Human Rights on behalf of a victim of domestic violence.

Watt is originally from Scotland and has a law degree from the University of Aberdeen, a diploma in legal practice from the University of Edinburgh, and an LL.M. in International Human Rights from the University of Notre Dame.

Before joining the ACLU, Watt was a Human Rights Fellow at the Center for Constitutional Rights, where he focused on post-9/11 litigation. He also worked for three years as a public defender and legal policy consultant for the Solomon Islands government, managed refugee camps in Tanzania, worked for a



Client Khaled El-Masri with ACLU Attorney Steven Watt

community-based HIV/AIDS program in Uganda and assisted emergency programs for the internally displaced in Liberia.

The annual meeting will also include lunch, an update on our current legal cases, roundtable discussions on civil rights issues, a short business meeting for members and a cocktail hour.

For more information and to register, go to [aclumontana.com](http://aclumontana.com) or call 406-443-8590 and ask for Katy.

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**For a preview of Steven Watt's work on rendition, check out the video posted at [www.youtube.com/watch?v=3-wEiGP2Wt0](http://www.youtube.com/watch?v=3-wEiGP2Wt0)**

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**Legal Notes**

Betsy Griffing  
 Legal Director  
*The Jean Anderson Chair*

**T**he Bill of Rights—our nation’s first declaration of fundamental rights—recognizes how important it is that any person charged with a crime be given the chance at a fair defense.

**But even now, two centuries later, that imperative is still not fully upheld in Montana.**

I just filed an amicus brief in the Montana Supreme Court in support of the position taken by a criminal defendant convicted of homicide who claims he was denied effective assistance of his

criminal defense counsel. Our brief addresses a serious conflict of interest problem that is prevalent throughout our new statewide public defender system. Under constitutional and ethical standards, the most basic duty an attorney owes to a client is one of loyalty. If an attorney violates that duty of loyalty, then he or she faces potential disciplinary action from the Montana Supreme Court which oversees regulation of attorneys in Montana. The attorney also runs the risk of being found to have provided constitutionally ineffective assistance at the criminal trial – putting at risk the entire due-process concerns about a fair trial.

Indigent criminal defense has been a focus of the ACLU of Montana for many years. In 2002, we filed a class action suit alleging that, statewide, representation of criminal defendants was so deficient that it violated their constitutional rights to counsel and due process. This case was settled on the condition that the Montana Legislature create a new statewide public defense system. This system began on July 1, 2006, administered by a Chief Public Defender who reports to the Montana Public Defender Commission.

Consultants from American University retained by the Commission detailed a number of deficiencies in the new system last fall, including, among other shortcomings, the way in which client conflicts of interest were handled.

For instance, many situations can give rise to a conflict of interest, but one common situation involves multiple defendants being charged with a crime when there is a question about who is the main perpetrator. Early on in the public defender system the Commission rejected a recommendation to establish a “conflicts office,” separate from the budget and administration of the Chief Public Defender. Instead, in these instances, public defenders from different regions represent defendants. The idea was that different regions were administered by different regional directors, and that defenders in one region would not have access to files in another region, thus keeping separate the defense strategies for each defendant.

**That system does not work and does not protect defendants.**

The consultants advised the Commission that the current practice doesn’t satisfy either constitutional or ethical concerns. The consultants noted that the different regions were all within the same administrative structure and supervised—quite closely—from a central office in Butte. They stated in no uncertain terms that the different regions and the appellate defender office could not be considered separate law firms in any sense as they were not independent.

While the Commission ponders how to address this serious deficiency, the current conflicts policy is tainting numerous criminal cases throughout Montana and subjecting each one of those cases to the possibility of reversal due to ineffective assistance of counsel.

One of those cases is *State v. St. Dennis*, which involves the murder of a homeless man, Forest Salicido, in Missoula. Two young men, Anthony St. Dennis and Dustin Strahan, were charged with the murder. Strahan, the younger of the two, claimed that St. Dennis was the main perpetrator, and Strahan’s testimony against St. Dennis was a critical part of the State’s case.

There was clearly a conflict of interest between St. Dennis and Strahan. In an attempt to cure this conflict, public defenders were appointed from the Missoula

*Legal Notes, cont. on page 5*

**ACLU Awarded Grant to Stop School Bullying of Gays, Lesbians**

**T**he Tides Foundation recently awarded the ACLU of Montana a grant totaling \$30,000 over three years to be used for the Safe Schools program.

That program helps teach school personnel how to prevent bullying of LGBT students and helps school districts craft LGBT-inclusive safe school policies.

The grant will enable the Safe Schools program to reach schools enrolling 15,000 students by 2012.

The Montana Safe Schools Coalition (MSSC) is a cooperative effort of the ACLU of Montana, American Association of University Women of Montana, Planned Parenthood of Montana, Montana Coalition Against Domestic and Sexual Violence, Montana Human Rights Network, National Coalition Building Institute-Missoula, PFLAG Montana, the Social Justice Committee of the Billings Unitarian Universalist Fellowship, and the Yellowstone AIDS Project.

The MSSC contracts with the Missoula chapter of the National Coalition Building Institute as the head coordinating and training agency.

If you would like to learn more about the coalition and participate in its work, the Billings Unitarian Universalist Church and Montana PFLAG are hosting a Safe Schools workshop at the Billings Unitarian Universalist Church from 6:30 to 8:30 p.m. on March 26.

## Protecting Victories: Public Defense and Prescription Privacy

Maintaining the protections and advancements we have won is a key component of the many victories the ACLU of Montana achieves. As ACLU co-founder Roger Baldwin said, “No fight for civil liberties ever stays won.” Over the last several months, we have been busy with this maintenance phase on two important issues: operations of the Montana Public Defender system and protecting the privacy of patients’ prescription drug information.

In 2002, after Montana had spent decades with a substandard system of indigent criminal justice, the ACLU of Montana filed a class action lawsuit alleging constitutional deficiencies in the delivery of the right to counsel. That lawsuit, *White v. Martz*, spurred the legislature to create a statewide public defender system in 2005. By July of the next year, the Office of the Public Defender had opened its doors and begun providing legal representation to indigent defendants across the state.

Two years into the existence of the new system, the Public Defender Commission (the body that oversees the OPD) asked a team of expert consultants at American University to evaluate the operations of the still-nascent program. The team released its initial draft report last July, raising troubling issues, among them deficiencies in management, supervision, and caseload tracking, and serious concerns that the structure of the office led to conflicts in cases where the office represented more than one defendant or represented a client on appeal.

There is no doubt that indigent defendants are better off than they were 30 or even five years ago. There is also no doubt, however, that the public defender system still needs fixing. The Public Defender Commission appears to have taken the American University report to heart and has already begun exploring solutions, including the creation of a deputy public defender position to provide another level of management and supervision.

We will continue to prod the courts and the Commission to make sure that indigent defendants are provided with constitutionally adequate legal representation.

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**“No fight for civil liberties ever stays won.”**

— Roger Baldwin

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### Prescription drug privacy

We also recently revisited calls for a statewide database to collect information on prescription drugs dispensed throughout Montana. Last fall, Attorney General Steve Bullock announced several initiatives related to prescription drug use, including the creation of a six-person drug diversion unit within the Division of Criminal Investigation and an advisory council charged with developing a comprehensive plan to combat prescription drug abuse.

In November we attended the Attorney General’s Prescription Drug Abuse Prevention and Awareness Summit. The day-long conference featured speakers sharing powerful stories of how prescription drug addiction has harmed their families. A common thread in each of these stories was the lack of education, counseling and treatment options available.

Unfortunately, when asked for suggestions, many participants focused on prescription drug monitoring programs, a statewide electronic database that collects and stores information about nearly all prescriptions filled for specified drugs. Such databases are typically housed by a state regulatory, administrative or law enforcement agency, and providers and pharmacists use them to access a patient’s prescription history, and screen for potential abuse.

Of course, sharing private medical information in a large statewide database, with access given to thousands of individuals, possibly including law enforcement, raises

serious civil liberty concerns. Patients are entitled to privacy.

Reports from other states have failed to justify such intrusion into patients’ medical history. In fact, recent examples of privacy breaches and threats of unauthorized releases of private medical information in Virginia and New Hampshire only reinforce our concerns about storing such sensitive information in a centralized database.

In the past two legislative sessions, legislators have considered bills to create a prescription drug monitoring database. We were pleased that proponents of the bills agreed to provisions that require a search warrant before law enforcement may access the database and that limit the use of database information in civil and criminal cases. Any proposals to address prescription drug addiction should focus on public health solutions, such as treatment and education, not on criminal prosecution or incarceration.



**Niki Zupanic**  
ACLU of Montana  
Public Policy Director

## Legal Notes

continued from previous page

public defender’s office and from the Kalispell public defender’s office. From our perspective, and that of the Commission’s own consultants, this was not enough to cure the conflict.

The Montana Office of the Public Defender is a cohesive whole administered by one person who closely oversees the operation. As such, it is considered one law firm under the Montana Rules for Professional Responsibility and no lawyer in that firm may represent clients with conflicting interests—even if the lawyers are in different cities.

Every defendant has a right to an attorney whose only interest is representing the client. Montana is failing to uphold this right.

We have asked the Montana Supreme Court to review this issue, reverse the conviction in this, and take the opportunity to review the conflicts of interest now pervasive in the public defender system—a system which must be fixed.

# Sister Helen Prejean Featured at Abolition Coalition Annual Meeting

The Montana Abolition Coalition annual meeting slated for Saturday, April 10, in Missoula at the Holiday Inn, Parkside, will include informative workshops and some very special guest speakers.

### Workshops:

Three topic workshops and two practical workshops will help participants better understand the issue of capital punishment and how to organize and lobby to defeat it.



- Murder Victim Family Members and the Death Penalty*** will include special guest speaker Jennifer Bishop Jenkins. Jennifer’s sister, Nancy Bishop Langert, was shot to death along with her husband, Richard Langert and their unborn child in suburban Chicago in 1990. Their killer was 16 years old at the time, and a local politician running for re-election proposed lowering the age of death penalty eligibility in Illinois to 16 to “honor your sister.” Finding this stance abhorrent, Jennifer vowed to oppose him publicly if her sister’s murder was used as the rationale for this proposal. Since that time Jennifer has worked against the death penalty.

- A Faith Response to the Death Penalty***, sponsored by the Western Montana Spiritual Development Council, will look at how people of faith approach the issue of the death penalty. This workshop will include a short presentation by Sister Helen Prejean.
- The Death Penalty and Your Rights*** will discuss how capital punishment and the criminal justice system relate to human and civil rights and how rights activists can stand up against the death penalty. This will include presentations by the American Civil Liberties Union of Montana and the Montana Human Rights Network.

The second round of workshops will help you get out of your chair and get active in the fight to end Montana’s death penalty.

- Organizing 101*** will work with participants on building the abolition movement in their communities by organizing local events, tabling at conferences, writing letters to the editor, and more.
- Lobbying 101*** will help participants learn how to write effective letters to legislators as well as how to conduct a face-to-face meeting. It will also address

the dos and don’ts of lobbying. The 2011 Session will mark a monumental year in our fight against the death penalty. Legislators in Helena will be deciding whether to vote for abolition, and your voice matters.

### Special guest speaker: Sister Helen Prejean

In the evening, the Coalition will host a special members-only reception with keynote speaker Sister Helen Prejean. Sister Helen has been instrumental in sparking national dialogue on the death penalty and helping to shape the Catholic Church’s reinvigorated opposition to state executions. Sister Helen began her prison ministry in 1981 when she began to correspond with death row inmate Patrick Sonnier. She eventually became his spiritual adviser and wrote a book about the experience. The result was *Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States*.

Since 1984, Prejean has divided her time between educating citizens about the death penalty and counseling individual death row prisoners. She has accompanied six men to their deaths. In doing so, she began to suspect that some of those executed were not guilty. This realization inspired her second book, *The Death of Innocents: An Eyewitness Account of Wrongful Executions*. She is at work on another book, *River of Fire: My Spiritual Journey to Death Row*.



Sister Helen Prejean



Jennifer Bishop Jenkins

### Not a member of the Coalition?

Please note that the evening reception with Sister Helen is a *members-only event*. If you are not currently a Montana Abolition Coalition member, consider joining. It’s easy. You can sign up today at [www.mtabolitionco.org](http://www.mtabolitionco.org) or call Jen at 406-461-8176 and ask for a new membership packet.

## Deadline— a 2004 Big Mouth Productions Documentary

by Jan VanRiper

Looking for an interesting evening event with friends? Get yourself some popcorn, comfortable chairs, a TV and make sure you have a copy of the Big Mouth Productions 2004 documentary *Deadline*. The film charts the brief history of events leading up to Illinois Republican Governor Ryan's last minute clemency order for more than 150 death row inmates in Illinois converting, in one stroke, their sentences to life in prison without parole.

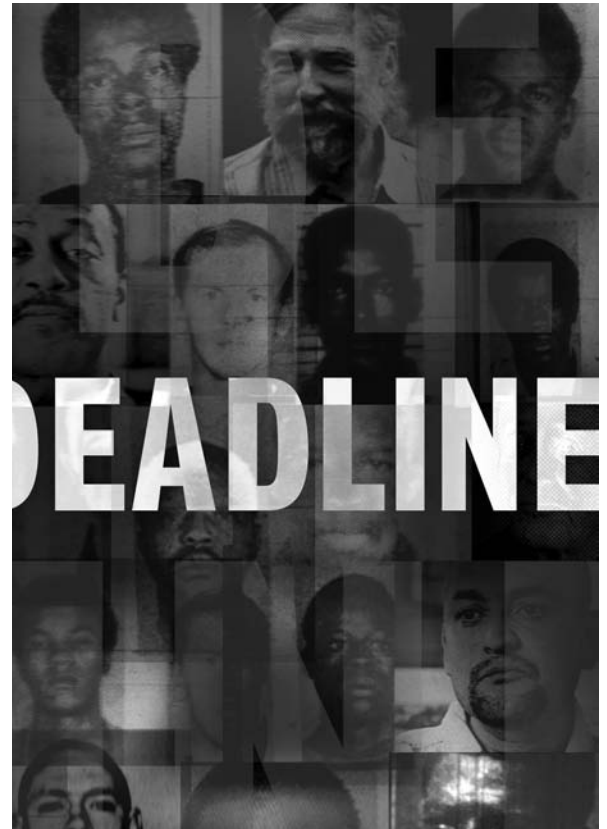
The story begins with undergraduate journalism students telling how they randomly picked a death row inmate to investigate as a school project and ended up discovering that he had been wrongly convicted. That discovery led to more.

After a few more inmates were proven innocent, Governor George Ryan decided to afford clemency hearings to all those on death row. His term was running out, and the pressure was on to make a decision about what to do with "the problem" before he left office. Along the rapid journey to his final decision, film viewers see inmates and families

testify at the hearings, facing each other with emotional pain, struggling with forgiveness, revenge and the gamut of feelings that attend the death of a loved one at the hand of another, particularly where guilt is in question.

You'll see footage of former Texas Governor George W. Bush proclaiming his absolute certainty that the 300 plus death row inmates in Texas at the time are guilty, along with members of Families of Murder Victims Against the Death Penalty speaking out. Tension builds as the clock ticks and Governor Ryan grapples with his momentous decision.

This film turned some of my former Criminal Justice Ethics students from pro-death penalty advocates to ardent abolitionists. Invite your friends, and even your enemies, to watch it with you—a lively discussion is sure to follow. For suggestions on putting on the party go to this website: [http://deadlinethemovie.com/get\\_involved/outreach.php](http://deadlinethemovie.com/get_involved/outreach.php). *Deadline* is available on Netflix and other online venues. (Just be sure you get the right *Deadline*. A



very bad B movie of the same name was recently sent to me instead of the very good documentary.)



### Roe v. Wade Anniversary

*In January, more than 100 supporters of choice gathered in the Montana Capitol Rotunda to celebrate the anniversary of the U.S. Supreme Court's decision in Roe v. Wade to protect a woman's right to privacy and to obtain an abortion.*

## ACLU Sponsors Montana End-of-Life Conference

When the Montana Supreme Court decided, in *Baxter v. Montana*, that physician aid in dying is not illegal under state statute, discussion turned to how we manage our end of life choices and to whether and when doctors may help mentally competent, terminally ill patients die.

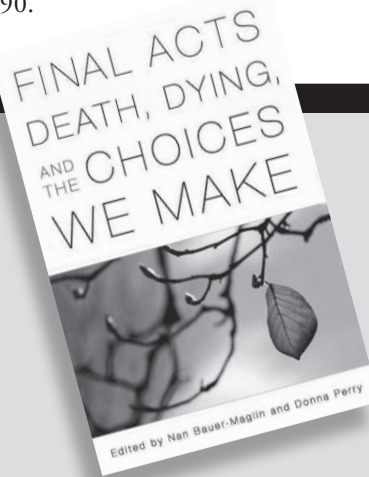
The ACLU will sponsor a conference April 10 at Carroll College to discuss the issue in preparation for next year's legislative session. Without a doubt, the 2011 Legislature will address this issue.

Though the ACLU supports patients' rights to make personal medical decisions at the end of their lives, and to receive a doctor's help to end their suffering, we've taken great care to include speakers from all sides of the debate, including both supporters and opponents of aid in dying.

Lawyers from both sides of the *Baxter* case will discuss the issues, as will doctors, ethicists, representatives of faith communities, representatives from vulnerable populations and civil rights advocates.

The conference is scheduled for Saturday, April 10 from 9 a.m. – 5 p.m. The \$25 registration fee will include lunch. For more information please visit [www.aclumontana.org](http://www.aclumontana.org).

We also plan to replicate the conference in full or in part in other Montana cities. If you're interested in having it in your city or contributing to sponsor the conference and scholarships, please contact us at 406-443-8590.



For a primer on end of life choices, read *Final Acts: Death, Dying and the Choices We Make*, a 2010 selection of essays edited by Nan Bauer-Maglin and Donna Perry, published by Rutgers University Press.

The book includes essays by patients, family members, physicians, lawyers, ethicists, hospice workers and more—some supporting physician aid in dying and others opposing it.

## Why I Belong to the ACLU



**"My parents were incarcerated during World War II as American citizens of Japanese descent. Their lives and teachings have had a profound, and, at times, haunting effect on my perspective, personality and personal mission. I became a lawyer because of their history and my own, having grown up in the '60s.**

**Although the national ACLU did not act on the internment of Japanese Americans, the Northern California chapter of the ACLU supported Fred Korematsu, one of four who challenged the incarceration of the 120,000 Japanese Americans put in concentration camps. I helped continue the fight for justice in the early '80s, when a group of lawyers reopened the cases. I had the privilege of representing Minoru Yasui as his lead attorney in Oregon in his case, *Yasui v. United States*. The ACLU of Oregon supported these efforts.**

**We need the ACLU to remain strong, so that when the government once again tries to abridge rights, we will respond with a clear message that this is a country in which laws protect people, and fear, scarcity and racism shall not prevail."**

*Peggy A. Nagae, owns Peggy Nagae Consulting, with professional services in leadership, organizational change, diversity and coaching*



## Public discusses the injustices of indefinite detention

An engaged group of students, ACLU members and interested public participants gathered in January at Carroll College



Members Rea and Janet Knight participating in a lively discussion at a January ACLU and Carroll College-sponsored event

to talk about indefinite detention at Guantanamo Bay, the lack of justice it offers prisoners and how it impacts all our rights.

Prior to a lively discussion, the participants watched the ACLU-produced video “Justice Denied”, about prisoners who have been released from Guantanamo Bay, never having been charged with a crime and never even being told why they were imprisoned for years. They describe the torture that they endured at the hands of Guantanamo guards and how they will be forever changed by the experience.

They were uncertain how they would ever get out and once they returned to their home country of England, some found that their young children were frightened of fathers they didn’t recognize. Two had been imprisoned as teenagers.

ACLU of Montana Public Policy Director Niki Zupanic also showed the independently produced movie, “The Response,” a dramatization of a military tribunal at Guantanamo.

In that movie, the prisoner was working on a mosque in Afghanistan where he was accused of plotting to bomb the U.S. Embassy. He cannot see any of the evidence against him,

question the person who accused him of the crime or even call any of his own witnesses. The prisoner doesn’t even have an attorney.

After watching the two videos, members of the audience discussed the injustice of Guantanamo prisoners being held without formal charges and being denied trials.

“It’s contrary to everything in our Bill of Rights,” said one person. “If they are denied rights, how can we be confident we won’t also be stripped of our right to a fair trial?”

The ACLU is one of the few organizations that has been work-

ing on closing Guantanamo since it was opened by the United States shortly after 9/11. Closing Gitmo was one of the ACLU’s top priorities for President Obama when he took office last year.

But after promising to close it within a year, Obama has left Guantanamo open, and now says he is unsure when it will be possible to close the Cuba-based prison.

We all must continue to fight for Guantanamo’s closure and for prisoners there to be given fair trials. That must happen for the civil liberties of those there, to protect all our rights and to maintain our standing in the international community.



Montana Prison Project Attorney Jennifer Giuttari, cooperating attorney Andree Larose and ACLU of Montana Legal Director Betsy Griffing at our press conference announcing the “Robert Doe” mistreatment case. Photo courtesy of Eliza Wiley/Helena Independent-Record

## Montana Prison Project, cont. from page 1

Program attorney Steven Watt are working with us on Robert Doe’s case. National ACLU Reproductive Rights Project attorney Diana Kasdan and UM law professor Greg Munro are helping with Bethany’s case.

In addition to filing these cases, the Montana Prison Project has secured medical treatment for prisoners in Montana jails, ensured that prisoners with disabilities have access to jail facilities and fought discrimination in Montana jails.

Learn more about the Montana Prison Project at [aclumontana.org](http://aclumontana.org), and watch a video about Bethany’s case at [www.youtube.com/watch?v=kdeZ7qHWJSA](http://www.youtube.com/watch?v=kdeZ7qHWJSA).

## Coming Events

### Wonderlust forum on domestic partnerships

Noon–2 p.m., Feb. 12  
Pilgrim Congregational Church, Bozeman  
Free

### ACLU of Montana Annual Meeting

11:30–6 p.m., Feb. 27  
Hilton Garden Inn, Bozeman  
Keynote speaker **Steven Watt** on torture and rendition legal update, roundtable discussions and cocktail hour \$25, including lunch

### Judge James R. Browning Distinguished Scholar Lecture

Noon, March 8  
Castles Center, University of Montana–Missoula  
Featuring Constitutional Law Expert **Dean Erwin Chemerinsky**, UC–Irvine

### Safe Schools Workshop

6:30 - 8:30 p.m., March 26  
Unitarian Universalist Church, Billings

### End of Life Choices: A Community Discussion

9 a.m.–5 p.m., April 10  
Carroll College, Helena  
A multi-perspective discussion of physician aid in dying \$25, including lunch

### Abolition Coalition Annual Meeting

1–6:30 p.m., April 10  
Holiday Inn Parkside, Missoula  
Get involved in abolition work and hear **Sister Helen Prejean**, author of *Dead Man Walking*  
Free

## Why We Support the ACLU of Montana



**“Democracy is not enough. Our inalienable rights can be threatened by majority opinion – always, it seems, in the name of the greater good. The foresight of our nation’s founders protects us against these threats and perfects our democracy through the Bill of Rights. It is the ACLU that practically invented the aggressive enforcement of the Bill of Rights in court. The outstanding work of the Montana affiliate brings to our neighborhood the legal and technical expertise of the ACLU, and enforces the very strong civil liberties protections found in our own state Constitution. That is why we support the ACLU of Montana. And because challenges to our liberties grow in league with technology, we must continue our support into this new but already worn century.”**

*Susan Hinkins serves on the AAAS Science and Human Rights Coalition, and Richard Gillette has served on the Board of Directors of the ACLU of MT.*

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

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**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Home ph:** (\_\_\_\_) \_\_\_\_\_  
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**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.**

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- Become a Facebook Fan of the ACLU of Montana
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*Spring 2010*

## Save the Date!

**Freedom in Big Sky Country  
2010 Annual Meeting  
Saturday, Feb. 27  
11:30 a.m.–6 p.m.  
Hilton Garden Inn  
2023 Commercial Way, Bozeman**

**Featuring ... ACLU Human Rights Program  
Senior Staff Attorney Steven Watt**

- **ACLU State of the Union**
- **Roundtable discussions on important civil rights issues**
- **Legal program update**
- **Lunch with allies**



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