



Death Penalty Abolition Making Huge Strides in the Montana Legislature

It was a simple request, but it stunned the crowd filling the Old Supreme Court Chambers at the Montana State Capitol.

Carolyn Madplume asked all the family members of murder victims opposed to the death penalty to stand up. Nearly 20 people rose from their seats.

They and dozens more people attended a February 4 Senate Judiciary Committee hearing to support SB 236, which would abolish the death penalty in Montana and replace it with a sentence of life without the possibility of parole. Bill proponents outnumbered opponents three to one, and the moving testimony changed some minds. Since that hearing, the Senate voted twice in favor of the bill, which now moves on to the Montana House of Representatives.

The ACLU of Montana is one of 10 organizations comprising the Montana Abolition Coalition, which is working to end capital punishment in Montana and which supported SB 236, sponsored by Senator David Wanzenried (D-Missoula).

"The hearing was a tremendous success," said Tony Warren, ACLU Organizer for the Montana Abolition Coalition. "It was exciting to see such a dynamic and diverse group there in support of this bill. And it is people like that—people who are willing to stand up and take action—who will



Carolyn Madplume urges the Montana Senate Judiciary Committee to pass a bill abolishing the death penalty as bill sponsor Sen. David Wanzenried looks on. Madplume's daughter was murdered, and she opposes capital punishment.

carry us to victory and the end of Montana's death penalty."

A former prison warden, an exonerated former death row inmate, religious leaders, law enforcement officials, attorneys and former judges were among those who testified in favor of the bill, telling the committee that the death penalty is unjust, does not deter criminals, and is uneconomical.

Madplume, whose daughter was murdered four years ago, told the committee, "The capital punishment

system doesn't work for families." Two other relatives of murder victims—Marietta Jaeger Lane and Ziggy Ziegler—also urged the committee to pass the bill.

Ray Krone described being sentenced to death in Arizona for a murder he did not commit. After a second trial he was taken off of death row, but still spent a decade in prison. "I'm a death row survivor," said Krone, who once believed the death penalty was a just punishment. "We've made a mistake for a long time," he said.

Former Sweetgrass County Attorney and ACLU of Montana Board Member Tom Biglen said the death penalty does not deter criminals, who typically commit murder while under the influence of drugs or alcohol or in a highly emotional state of mind.

And then, there's the possibility of a mistake.

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Traveling Hopefully

Abolition, Abortion Rights, and Death with Dignity.

In a recent legislative hearing, one senator asked, “How can the ACLU support abortion rights while also opposing capital punishment?” This is the senator who spoke eloquently on the Senate floor about a change of heart that led him to oppose capital punishment. But he is a staunch opponent of abortion rights.

Not surprisingly, our allies on one issue are sometimes our opponents on another. While it seems overused, the adage that “politics makes for strange bedfellows” fits well. Because we advocate for liberties across a broad spectrum of issues, we often find ourselves at odds with single-issue groups that are less concerned about individual liberties.

At the risk of over-simplifying very complicated and complex issues, let me try to explain what I see as ACLU’s consistent position in regards to these highly emotional issues. It is the personal autonomy of one’s own body that is the paramount consideration for the ACLU. That is not to say there is no role for government, but government restrictions must not infringe on constitutionally guaranteed rights to privacy and human dignity.

Let’s start at the beginning.

Defending reproductive rights has been at the top of our agenda since I began working for ACLU more than two decades ago. In fact, when one reviews board minutes from the Montana affiliate 30 years ago, we see how little some things have changed. In 1979, as now, our board was defending the right to contraception and abortion and fighting parental consent laws.

ACLU’s position on choice is based on our defense of every person’s right to make determinations about his or her own body. Government should not insert itself into decisions, whether about choice, or aid in dying, or other personal decisions that belong to the individual in consultation with his or her physician.

The ACLU has not had as long of a history with end-of-life choices or what we refer to as “death with dignity.”

The *Oregon Death with Dignity Act* first drew fire from the Bush administration in 2001 when then Attorney General John Ashcroft threatened to prosecute doctors who administered lethal doses of prescription



Executive Director Reflections

Scott Crichton

medications to terminally ill patients seeking to end their lives. ACLU filed an amicus brief in the legal challenge to Ashcroft’s directive, which culminated in the U.S. Supreme Court’s January 17, 2006 decision upholding the Oregon law in *Gonzales v. Oregon*.

ACLU sees death dignity for the terminally ill as another issue based on self-determination. Made under the right circumstances and for the right reasons, aid in dying maintains personal dignity and autonomy. In such cases, government should not interfere with this most personal decision.

District Court Judge Dorothy McCarter ruled last December, “The Montana Constitutional rights of individual privacy and human dignity, taken together, encompass the right of a competent terminally [ill] patient to die with dignity. That is to say, the patient may use the assistance of his physician to obtain a prescription for a lethal dose of medication that the patient may take on his own if and when he decides to end his life.”

There are deep divisions around the application of this right. Advocates for people with disabilities worry that decisions to end someone’s life with the assistance of a physician could be made without the person’s consent. People from some church-based perspectives are concerned about what they describe as the “sanctity of life,” while others argue that the poor and uninsured might choose to die for economic reasons.

But nearly all of us know a friend or family member who has been in debilitating declining health as they near the end of natural life. And many of us know of someone who, faced with those circumstances, has chosen suicide, whether through self-inflicted gunshots or through an acquiescent wink-and-a-

“Now is the time for all good men to come to the aid of their party,” goes the old saying. Well, all you members and friends of the American Civil Liberties Union, “Now is the time for all good ACLU members to puff out their chests and sing for joy!”

President's Patter
Ed Stickney

You can afford to be very proud of your legislative team in Helena. They have done a yeoman's job of lobbying—everything from opposing the death penalty, helping the cause of medical marijuana and opposing mandatory notification of parents in abortion cases to persuading “death with dignity” foes to back off at least for the time being. So far it has been an excellent session for the most part. (I write this in mid-February, just before transmittal.)

A good share of my time last week involved picking up drug law reform advocate and former Denver Police Lt. Tony Ryan (for more, see article on page 6 about medical marijuana and drug law reform) at the airport and driving him around Billings to a couple of college classes, the Democratic breakfast, and a public talk at Mayflower Church. Then we traveled to Helena, had an NPR interview in Bozeman on the way, and had lots of time to talk about the failed drug war and how to rid ourselves of drug prohibition.

My contribution to the February 20 *Cannabis at the Capitol* festival in the Montana State Capitol Rotunda was to tell about my experiences recommending medical marijuana to more than 60 patients. Let me tell you about a few of their characteristics:

The majority were pain patients—those who suffered from industrial accident injuries, motorcycle accidents, back

injuries and operations, Chiari malformation syndrome, and other debilitating conditions.

Not one of them was a “drugie.” They were sincere, honest patients who wished to have the best quality of life possible.

Without exception, when they would return for their yearly renewal, their reports were, “I don't take any narcotics anymore,” or “I've been able to cut my dosage of Percodan in half,” or “The marijuana doesn't take away all the pain, but it allows me to place my attention elsewhere, so the pain doesn't control me.”

When one considers that marijuana is not toxic, that its addictive properties are about on par with those of caffeine, and that it can be ingested, thus removing the small down-side of smoking it, it really does make one wonder why it is this “wonder drug” (my term) can't be appreciated legally for its advantages instead of being demonized.



ACLU of Montana Board Persistent Ed Stickney poses by some marijuana plants in the Capitol Rotunda. Stikney was supporting legislation to improve patients' access to medical marijuana.

Why I Support the ACLU



Samantha Sanchez

On 9/11, like every other American, I stood watching in horror in front of a TV set at the office and I told my co-workers that we should all write a big check to the ACLU because the predictable response to fear would be to deny our Constitutional rights. Within weeks Congress passed the Patriot Act. It doesn't take any special insight to know that when we are threatened our rights are threatened. Critics were imprisoned in the Civil War and World War I and Japanese-Americans were interned in World War II. Only the ACLU is there to defend the Bill of Rights. I want to do something to assure that they will always be there, so I included the ACLU in my will.

Samantha Sanchez is a long-time member of the ACLU and former Board President and a founding member of FollowTheMoney.org, a transparency in government organization. In her spare time she gardens and weaves.

Including the ACLU in your will is worth more than words can convey.

In fact, today it's worth up to \$10,000.

Through the LEGACY CHALLENGE, naming the ACLU Foundation in your will or trust qualifies us to receive up to a **\$10,000 matching donation today** from our generous donor the Robert W. Wilson Charitable Trust. It's that simple.

So if you have the will, we have the way.

To learn more, visit www.aclu.org/legacy or call toll-free 877-867-1025.

Please act now. The Legacy Challenge ends May 31, 2009.





Legal Notes

Betsy Griffing
Legal Director
The Jean Anderson Chair

ACLU of MT Works to Help Native American Inmates

En-masse strip searches, interference with religious ceremonies, retaliation for complaints—Native American prisoners at the Crossroads Correctional Center are reporting numerous violations of their civil rights, and the ACLU of Montana's legal program is working to help.

We first learned about the problem from complaints we received from a group of Native American inmates at Crossroads, a private prison near Shelby that houses approximately 560 federal and state inmates.

Last August, Crossroads staff began en masse strip searches of Native Americans and other sweat lodge ceremony participants. As many as 40 or 50 people at a time would be stripped in the hallway of the recreation area where they were visible to other inmates. We have reports that, at least once, the large number of inmates caused an overflow into the gym area where cameras staffed by female guards could see the strip searches.

Inmates we interviewed last November have since been subject to extensive write-ups, and two weeks after our interview the pipe carrier was removed as pipe carrier and placed in segregation for refusing to put unidentifiable, non-tobacco material in the ceremonial pipe.

Because we received information about increasing tension at the facility, and because Governor Schweitzer wants to connect with and support the Native American community, we were able to arrange a meeting with Governor's office staff and Department of Corrections officials to discuss this issue.

The Crossroads facility is run by Corrections Corporation of America (CCA), a large Tennessee-based corporation that runs hundreds of prisons throughout the country. Crossroads houses state inmates through a contract with the Montana Department of Corrections, and CCA profits depend on maintaining large prison populations and long prison sentences at their many facilities.

A new warden from Tennessee and an assistant warden from Texas took over the Crossroads facility last spring. Warden Mike Mahoney at Montana State Prison has the responsibility for overseeing the enforcement of the contract.

Although Warden Mahoney has said he is not aware of problems at the Crossroads facility, he appointed an investigative committee to look into claims of racial and religious discrimination. The four-person committee includes two people from the Governor's Office—Andy Huff, an attorney with the Governor's American Indian Nations Council (who used to work for the Montana ACLU) and Jennifer Perez Cole, coordinator of Indian Affairs—and two people from the Department of Corrections—Investigations Bureau Chief Bill Fleiner and Investigator Dale Tunnel.

I was pleased with the appointment of the committee and hope the investigation will spur improvement. Our participation in the investigation may, however, be somewhat hampered. After I telephoned Andy Huff to find out about the committee's schedule and proposed process, I was told by the Governor's counsel, and later by the chief counsel at the Montana Department of Corrections, that I cannot contact members of this investigative committee because they view me as counsel for some of the Crossroads inmates. We believe that the committee is a public body doing the public's business and is therefore subject to the right-to-know provisions of the Montana Constitution. We will be monitoring the committee's progress as closely as we can.

As a long-term goal, I hope we can also investigate the reasons for the disproportionate number of Native Americans in our prisons, whether caused by racial profiling, stiffer sentences, earlier exposure to the criminal justice system through school policies on truancy and drug-testing, or other juvenile justice problems.

Information about other ACLU of Montana legal projects can be found on our newly redesigned website. It has current information about our legal program, including copies of complaints, briefs and court decisions as well as letters written to corrections officials as part of our Montana Prison Project. Go to www.aclumontana.org.

Helping Inmates Get Medical Care

by Jennifer A. Giuttari, Staff Attorney

In our last newsletter I introduced the launch of the Montana Prison Project. I am now pleased to report that MPP's first quarter has been a busy one. I received an extraordinarily large number and variety of complaints, including allegations of inmate-on-inmate sexual assaults, custodial sexual misconduct, and a racially motivated inmate-on-inmate assault.

I also received several requests for help in obtaining medical care. In one instance, a pre-trial detainee who is missing the entire right side of his jaw suffers from a frequently re-occurring infection in his steadily deteriorating left jaw. He said the jail staff would not provide him with adequate medical attention and pain medication, or even with a straw to enable him to drink.

Fortunately I was able to visit with him, speak with his defense attorneys, and meet with jail officials to discuss his medical needs. I also sent a letter urging the facility staff to provide the level of care mandated by the Constitution. The complainant was released from the facility to receive medical care a few days after staff received my letter.

In another letter, I addressed the Gallatin County Detention Center's unconstitutional medication procurement practice which needlessly delays necessary medical care. A prisoner awaiting trial and needing prescription medication must contact a family member or

MT Prison Project, Cont. on page 9

A Busy Session on Many Fronts

The transmittal deadline at the end of February marked the end of the first half of the legislative session and the end of a very busy eight weeks for the ACLU of Montana.

The numbers are daunting

Legislators submitted 2,321 bill requests on topics as varied as naming an official state pancake to revising our system of environmental review laws. Of those, 1,206 bills were eventually introduced, and legislators had only 45 days to decide upon those bills introduced in their respective chambers.

Bills that survived must now go through the entire committee hearing and floor debate process on the other side of the Legislature. Each house will also take final actions on the state budget before adjourning at the end of April.

Of the more than 300 bill requests we are tracking this session, we have already testified on 41.

Of course, the highlight of the first half of the session has been the successful progress of SB 236, Senator David Wanzenried's (D–Missoula) bill to repeal the death penalty and replace it with life without the possibility of parole.

Below is just a small sampling of the issues and legislation we have been working on this session.

Choice

The anti-choice lobby has been busy this session. Three Senate bills in particular stand out as dangerous to reproductive freedoms.

Senator Dan McGee (R–Laurel) introduced two constitutional amendments that would dangerously restrict a woman's right to privacy.

The first, SB 46, would provide that the state has a "compelling state interest" in protecting unborn life, meaning that there would be no constitutional barrier against the state regulating any aspect of a pregnancy, from conception to birth. The second, SB 406, would define the

term "person" to include any fetus, embryo, or fertilized egg, granting them all the inalienable rights of our state constitution.

While they each take a different approach, both bills are designed to ban abortion in Montana. The terrible irony of each bill is that neither would have any effect whatsoever on our federally protected right to safe and legal reproductive care, but both would make far-reaching, profound, and dangerous changes to our privacy rights, to criminal statutes, and even to family law.

Finally, Senator Gary Perry (R–Manhattan) introduced SB 374 to revise the parental notification statute. More than a decade ago the entire act was declared unconstitutional and permanently enjoined by a state court. The court found that the statute did far more harm than good when it came to protecting Montana's teens. Instead of finding innovative, proactive ways to prevent teen pregnancies, the bill's proponents have decided to tinker around the edges of the judicial bypass provisions of the act in an attempt to start a new round of litigation. The act would continue to place teens in harm's way and would remain unconstitutional and unenforceable.

Unfortunately, although we offered strong, compelling testimony against all three of these bills, each one passed the Senate. We fully expect, however, that all of them will fail in the House.

Evenly divided House committees also held up many of our proactive pieces of legislation. Bills to balance a pharmacist's right to refuse with a patient's right to access contraceptives, to expand the Children's Health Insurance Plan (CHIP) coverage to include contraceptives, and to provide comprehensive sex education programs all died in House committees.

On a positive note, HB 351, a bill to grant broad rights to refuse any health care service to any individual, was tabled by its own sponsor after a flurry of opposition from the ACLU and our pro-choice allies.

Immigration

This session saw a slew of anti-immigration bill draft requests calling for denial of benefits, creating new crimes, and requiring local enforcement of federal immigration laws.

We testified in opposition to all of these bills, pointing out their xenophobic and punitive nature, the possibility for racial profiling and abuse, and the wasteful and counterproductive practice of having local law officers enforcing such a complex area of federal law. All six of the anti-immigration bills introduced in the House failed, but four of the six introduced in the Senate remain alive.

Fortunately, Senator Christine Kaufmann's (D–Helena) SB 413 to prevent racial profiling of immigrants also passed the Senate, with ACLU support.

We will continue to oppose the anti-immigration Senate bills as they are heard in the House committees and hope to report positive news at the end of the session.

Racial Justice

Aside from defending against the anti-immigrant agenda, we also supported three bills in the area of racial justice: HB 340, sponsored by Representative Margaret MacDonald (D–Billings), to recognize Juneteenth (a celebration of the Emancipation Proclamation); HB 391, sponsored by Representative Carolyn Pease-Lopez (D–Billings), to require Native American representation on the parole board; and SJR 26, sponsored by Carol Juneau (D–Browning), calling for an end to violence against Native American women.

While HB 340 fell prey to a behind-the-scenes attack on the House floor (contending that Juneteenth is, in fact, a veiled celebration for the Lesbian-Gay-Bisexual-Trans-



Niki Zupanic
ACLU of Montana
Public Policy Director

Medical Marijuana Making Strides this Session

Medical marijuana patients won a significant victory February 24 when the Montana Senate voted to expand patients' rights to keep and use the medication they need.

State lawmakers have learned a lot more this session about medical marijuana and the people it helps. During a heavily attended "Cannabis at the Capitol" rally, legislators were able to get up close and personal with marijuana plants at various stages of maturity and hear from physicians, patients and law enforcement representatives about the benefits of marijuana as

medication and the ills of the federal government's "war on drugs."

"Certainly this is the first time the Rotunda has been dedicated to a group of displays showing the truth about cannabis," said Tom Daubert, founder and director of Patients & Families United. "We have a bit of negativity to overcome."

The live plants demonstrated why patients and caregivers need to have several propagating at one time, since it's impossible to tell if the plants are male or female when they are young. Only the female plants produce marijuana suitable for medicinal use.

Senator Ron Erickson's (D-Missoula) medical marijuana bill, championed by Patients & Families United and supported by the American Civil Liberties Union of Montana, would increase the number of plants patients and caregivers could possess. It would also add diabetes, post-traumatic stress disorder and Alzheimer's disease to the list of conditions that could make a patient eligible for medical marijuana.

ACLU of Montana Board President Dr. Ed Stickney described marijuana

as a amazing drug—one that eases the suffering of people with many different diseases without the side effects caused by other prescription drugs.

"They are not druggies," Stickney said of the patients with chronic pain for whom he has prescribed marijuana. "If marijuana didn't have all the bad baggage it would be heralded as the medical miracle drug."

In addition to offering more patients the ability to use medical marijuana and to maintain a more adequate supply, SB 326 also protects child custody rights of medical marijuana patients and prevents landlords from evicting them for possessing or using marijuana.

Now the bill must pass in the Montana House of Representatives.

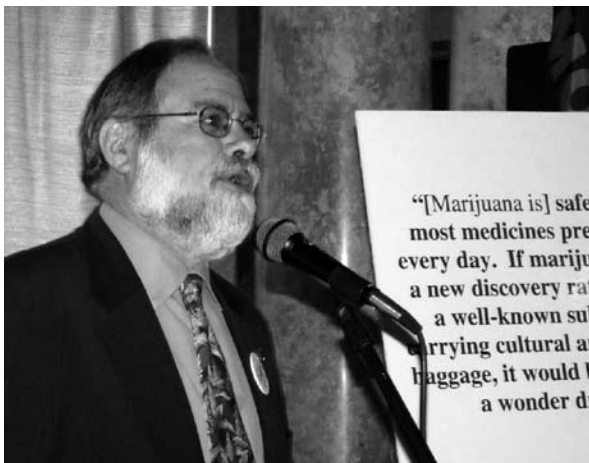
The February cannabis rally also touched on the problems with the government's "war on drugs."

"The federal government's so-called war on drugs is interfering with the medical care of thousands of patients," Daubert said.

Retired Denver Police Lt. Tony Ryan, a member of Law Enforcement

"Certainly this is the first time the Rotunda has been dedicated to a group of displays showing the truth about cannabis."

**— Tom Daubert
Patients & Families United**



TOP LEFT: Patients & Families United Director Tom Daubert has been leading the charge on medical marijuana and drug law reform legislation.

BOTTOM LEFT: A Spoonful of Sugar...Not all medical marijuana patients smoke their marijuana. Some eat it in baked goods.

BELOW: Cannabis at the Capitol...Hundreds of people packed the Montana Capitol Rotunda for a late February rally to pass legislation to improve patients' access to medical marijuana. The rally featured brownies at "high noon" and marijuana plants in various stages of growth.



Against Prohibition (LEAP) spoke to the crowd gathered in the rotunda about what he described as a government misinformation campaign about marijuana.

Ryan said that police waste far too much time arresting people for drug possession, and that the jails and prisons are filled with people who are there primarily because of drugs.

Helping medical marijuana patients is an important first step to correcting ineffective drug policy, he said.

And there were other marijuana victories in the first half of the legislative session.

Bills to require blood tests of medical marijuana patients pulled over for traffic infractions and take away their registration cards, and to prevent felons from getting necessary medical marijuana treatment failed.

A bill slated to come up in the session's second half would decriminalize possession of up to 30 grams of marijuana, making it a civil fine punishable with a \$50 fine.

Retired Lt. Ryan supports such a measure.

"You don't get addicted to marijuana," he said. "You can't even kill yourself with marijuana unless you choke."



Death penalty abolitionists from across the country spoke at a February Forum at Carroll College. Pictured are Ron McAndrew, Marietta Jaeger Lane, Montana Sen. David Wanzenried, Jennifer Cannino and Ray Krone.

Death Penalty

cont. from page 1

"There's always the chance that the wrong man or woman may be convicted," Biglen said. "For someone wrongfully executed, there is no second chance."

Others spoke of the emotional toll placed on those tasked with carrying out the killing of other human beings. Ron McAndrew traveled to Helena from Florida to testify about his experiences overseeing executions as warden of the Florida State Prison. Not only did he witness the execution of a man he believed to be innocent, but he was also present at an electric chair execution which went horribly wrong, burning a man alive.

"We literally cooked this man to death," McAndrew told the committee.

Even executions that went as planned were difficult for prison staff, bringing many to tears.

"I searched my own soul and asked, 'Why are we killing people?'" he said.

The night before the hearing more than 50 people turned out at Carroll College to listen to Krone, McAndrew and Jaeger Lane tell more detailed versions of their stories. That rally, sponsored by the Montana Abolition Coalition, also featured Jennifer Cannino, who now speaks out against the death penalty because of her personal experience with the imperfection of the judicial system and the people it relies upon.

Cannino mistakenly identified an innocent man as her rapist, sending him to prison for a decade. DNA testing later revealed another man as her tormentor. Today she travels the country telling her story and fighting to abolish capital punishment.

Activists in the effort to replace the death penalty in Montana with life without the possibility of parole hope that this year will mark the completion of their campaign. Now that abolition has passed in the Senate, it's time to urge members of the Montana House of Representatives to do the same.

If you would like to get involved in this effort, please contact Tony Warren at 406-461-6711 or tonyw@aclumontana.org.

Privacy Expert Headlines Annual Meeting

ACLU National Security and Privacy Counsel Michael German will present the keynote speech at ACLU of Montana's Annual Meeting on March 21.

German is an expert on how the federal and state governments invade our privacy, and the topic is timely: the Montana ACLU is trying to uncover what kinds of information our own fusion center, the "Montana All Threat Intelligence Center," is collecting on the state's residents and how it is using that information.

German knows the federal law enforcement system from both the inside and the outside. He joined the ACLU

after 16 years as a special agent with the FBI. He spent years fighting domestic terrorists as an undercover agent infiltrating white supremacist groups. His work prevented potentially deadly terrorist attacks.

But in 2004 German left the FBI as a whistleblower, alarmed by the deficiencies within the FBI's counterterrorism operations and by assaults on the Constitution under the Bush Administration.

"I felt as though I was participat-

ing in a dark chapter in American history," he said when the ACLU hired him in 2006. "At the ACLU, I will be able to fulfill my oath by protecting what this country stands for: We can, and must, be both safe and free."

German now works on issues involving domestic surveillance, national ID cards and data mining. He has been critical of federally funded "fusion centers" across the country, where local and state governmental agencies, and even private companies, collect data on citizens.

German will speak during the March 21 annual meeting luncheon banquet at Helena's Great Northern Best Western hotel and convention center.

This year's annual meeting will also feature a new component—roundtable discussions on hot topics like the death penalty, medical marijuana, reproductive rights, immigration, and more. Bring your questions and opinions and take part in the conversation.

For more information about the annual meeting or to register online, go to www.aclumontana.org.



Michael German

New ACLU of Montana Communications Director on Board



Amy Cannata
ACLU of Montana
Communications Director

My interest in civil liberties started at a young age. In the first grade my favorite T-shirt was emblazoned with “Women’s Lib!”

Then, spending five years of my childhood in Saudi Arabia clearly imprinted on me the importance of being able to freely practice religion, as well as the need for women to be able to drive and vote and for all citizens to be able to speak out on issues that matter to them without fear of prosecution or harassment.

These freedoms are guaranteed in the U.S. Constitution and our

Bill of Rights. But we all know that protecting them from assault takes constant diligence, and that’s where the American Civil Liberties Union of Montana comes in.

Before taking this position I worked as a newspaper reporter—five years at the alternative weekly in Spokane, and then almost nine years at Spokane’s daily, “The Spokesman-Review.” Being a reporter was fun, rewarding work, but it was the kind of work that distances you from important issues and your community. You always have to separate your work from personal feelings and convictions. Getting involved in causes was a definite no-no. It was, for me, time to let loose the shackles of journalistic objectivity and embrace advocacy.

And what better place to do that than at the ACLU of Montana?

The ACLU of Montana’s tireless work to protect privacy rights and reproductive choice and to fight unfair drug laws and the death penalty were powerful enticements to come and work in Helena.

Now I’m excited to be living in the treasure state, where I can fly fish, ski, explore ghost towns and, most importantly, work for the ACLU protecting Montanans’ civil liberties.

I hope to expand the news and information available on our newly redesigned website and new blog, work to keep members informed about the ACLU of Montana’s achievements, and reach out to the general public to spread our ethic of civil liberties for everyone.

Interning at the Montana ACLU

As a political science major, I felt fairly confident when I started here at the American Civil Liberties Union of Montana that I would be competent and well-versed in any issue that might come up. After all, I’d read dozens of landmark court decisions, written term papers on a wide range of subjects, and generally kept up with current events. While all of this knowledge has helped, I’ve learned more in these last few weeks than I could have ever imagined.

On many issues, even those I was familiar with, I knew only one side of the story, and in politics there are usually multiple versions of the truth. While I held many strong opinions on issues confronted by the ACLU, I tended to miss a lot of the interconnectedness of policy decisions. For example, the “duty to dispense” laws have to take into account not only the right of patients to get important medical care, but also the right of pharmacists to exercise their freedom of religion and refuse to dispense

certain prescriptions. When I had previously looked at laws like this, I’d thought only of the patients’ right to make their own medical decisions, and not the rights of the pharmacist. Good policy must balance the needs of all the parties involved.

One thing I could never have guessed was the number of bills that we would be watching this session.

There were bills that I loved, like the bill by Representative Teresa Henry for comprehensive sex education in schools, and Senator David Wanzenried’s bill to abolish the death penalty.

There were also bills that horrified me like, Senator Daniel McGee’s proposed bill to collect fetal tissue samples from abortions of minors, or his other bill to make a fetus a compelling state interest. Each of these bills incited hours of research and discussion and taught me more about the issues than four years of college classes has done so far; nothing like a little bit of real world experience.

These bills were just four of the



Katy Heitstuman
ACLU of Montana
Intern

more than 300 bills we have tracked so far. When I started here, I could never have imagined what a rewarding and challenging experience this would be, and we’re only half way through the session!

Katy Heitstuman grew up in Helena, and is a senior at Carroll College participating in a semester internship at the ACLU of Montana. She will graduate this spring with a bachelor’s degree in political science with minors in Latin American studies and Spanish.

Reflections

continued from page 2

nod from a medical professional.

This is an issue that we will be grappling with in the years to come, but one that must remain a matter of individual choice.

And finally, how do these two issues square with the issue of capital punishment?

The common thread to me is not about the value of human life, but about what role the state should play in life and death decisions. As one senator put it, "The state ought not be in the business of killing people."

The ACLU opposes the death penalty because it denies equal protection under the law, is cruel and unusual punishment, and removes guarantees of due process of law. The death penalty is so inconsistent with the underlying values of our democratic system—the pursuit of life, liberty and happiness—that the imposition of the death penalty for any crime is a denial of civil liberties.

MTPP, cont. from page 4

friend on the outside to bring the medication to the jail. Staff will only begin to take steps to obtain the medication after it is demonstrated that the prisoner cannot obtain medication on his or her own.

You can view a copy of the letter regarding this situation on the Montana Prison Project page on the ACLU of Montana website, www.aclumontana.org.

As the Montana Prison Project takes off, we hope to increase our impact and presence throughout Montana. Montana's size, of course, presents a challenge, and we need the help of legal professionals across the state. The Montana Prison Project is currently seeking volunteer legal professionals to conduct immediate interviews on our most urgent complaints. If you are interested in volunteering, please call the legal office at 406-830-3009.



Jennifer Giuttari
ACLU of Montana
Staff Attorney

Lobby Day at the Capitol



Andy Tuller, Maria Anderson and ACLU of Montana Board Member Brigitte Tuller discuss the issues with Rep. Ted Washburn (R-Bozeman) during our first Lobby Day. About a dozen ACLU of Montana members visited the Capitol on January 15th to talk to their legislators about the death penalty, choice and drug law reform.

Busy Session, continued from page 5

gender community), the other two bills passed out of their respective houses with strong bi-partisan support.

Lesbian-Gay-Bisexual-Transgender

We testified in strong support of two bills promoting equal protection and treatment of members of the LGBT community.

HB 252 would have added gender identity and sexual orientation to the list of protected classes under the Montana Human Rights Act. HB 590 would have legally recognized domestic partnerships and provided basic benefits to partners. Sadly, despite forceful testimony from many proponents, both bills failed to pass out of committee.

Death with Dignity

Perhaps the biggest non-event this

session has been the decision to not introduce any bills addressing physician-assisted end of life care.

After Judge Dorothy McCarter's December ruling in the Baxter case allowing terminally ill patients the legal choice of aid in dying, many observers expected one or more bills to be introduced this session to clarify or restrict this newly recognized right. Both sides of the issue eventually agreed, however, that it would be premature to pursue any legislation on the issue before the state Supreme Court delivers its ruling in the Baxter appeal.

For more information on any of the bills we are tracking, visit the "Legislature" page on the ACLU of Montana website: www.aclumontana.org. Look for a full report on our work so far this session, including more details on each of the bills mentioned above, at our annual meeting and to be posted on our website in late March.

2008 ACLU of Montana Honor Roll

Thank you to our most valuable asset—our supporters!

As we enter the home stretch of the 61st Legislative Assembly and take stock of our successes in and out of court this past year, we hope you feel tremendous pride in what you've helped accomplish in Montana. We have advanced parenting rights and abolition of the death penalty, improved conditions of confinement in Montana jails and prisons and access to medical marijuana, and protected reproductive health options for Montanans.

THANK YOU for being part of the ACLU's work that has set the stage for these positive changes.

The 2008 ACLU of Montana Honor Roll shows cumulative gifts of cash and securities of \$100 or more to the ACLU of Montana Foundation made Jan. 1-Dec. 31, 2008. If we have inadvertently omitted a gift, please accept our apologies and contact us so that we may correct our records.

\$10,000 & Above

Anonymous
 Tim Crawford
 Tides Foundation
\$5,000 - \$9,999
 Kenneth Fremont-Smith
 Jane & Joe Howell
 Montana Shares
 Maryanne Mott
\$2,500 - \$ 4,999
 Allegra Print & Imaging
 Richard Gillette
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 Carol Hardy
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 James Armstrong, Sr.
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 Jon Freeland
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 Charles Murray
 Peggy Nagae
 Susan Newell
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 Peggy Tonon
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 & Gordon Bennett
 Cathy Weber
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Two Parts of a Whole: The Union and the Foundation

The ACLU comprises two separate corporate entities, the American Civil Liberties Union and the ACLU Foundation. This separation lets us to do the broad range of work necessary to protect civil liberties by keeping the lobbying activities of the Union separate from the education and litigation functions of the Foundation. ACLU is headquartered in New York City with "affiliates"—staffed offices—in each state, Washington, DC, and Puerto Rico. The affiliates also maintain both a Union and Foundation.

By joining the ACLU, the Union, you become a card-carrying member of both national ACLU and the ACLU of Montana. Membership dues enable us to lobby on your behalf before Congress and the Montana Legislature. Union donations and dues are not, therefore, tax-deductible. While you can join or renew through ACLU of Montana, your membership is managed by the national office, which sends members reminders and other direct mail information.

By donating to the ACLU Foundation, you fund our litigation and public education activities—the other two strategies we use to protect and defend the Bill of Rights in Montana and nationwide. These gifts also fund the strategic growth of the Montana

Affiliate from our beginnings as a “mom ‘n pop” operation to the full-service affiliate serving you today. Foundation gifts can be made to ACLU of Montana or to the national ACLU Foundation.

ACLU needs you in both realms so we can work in all three arenas, in Congress and the Legislature, in the courtroom, and in classrooms and communities.

If your membership is up for renewal, or if you want to make a fiscal-year-end gift, please use the enclosed envelope, mark your check “Membership” or “Foundation,” and send it in today. Our fiscal year ends March 31, 2009.

Remember—as an ACLU member, you receive:

- An opportunity to become informed: newsletters from ACLU of Montana and from National;
- An opportunity for action: E-mail Action Alerts on critical issues at the national and state level;
- An opportunity to participate: The opportunity to volunteer, the right to vote and run for the Board of Directors; **and**
- An opportunity to join 500,000 others who play an active role in defending freedom!

Montana Civil Rights Defenders Given Jeannette Rankin Award

A passionate death penalty abolitionist and an admired former Montana Supreme Court justice were honored January 15 with the ACLU of Montana's Jeannette Rankin Award.

Marietta Jaeger Lane, of Three Forks, and retired Justice William E. Hunt, Sr., of Helena, were presented the awards for inspiring others with their work for social justice and for continuing to strive to protect and advance civil liberties for all Montanans.

The annual awards are named for Montana's Jeannette Rankin, the first woman to be elected to the U.S. Congress and the first vice-president of the ACLU when it was founded in 1920. Since 1991, the ACLU of Montana has annually presented awards in Rankin's name to those who best model her devotion to civil liberties and her spirited defense of Constitutional rights.

Jaeger Lane's tumultuous journey to becoming a death penalty abolitionist began more than 25 years ago in a Montana campground when her young daughter, Susie, was abducted, assaulted and murdered. A year later, Jaeger Lane, desperate for information about her daughter, made an impassioned plea to the killer.

That young man called Jaeger Lane, taunting her. But she responded with compassion and was able to learn enough for law enforcement to apprehend the killer.

"Despite this tragedy, Marietta persevered in speaking for forgiveness and compassion," said ACLU of Montana Board Member Brigitte Tuller. "Susie's life and memory commanded that [Marietta] honor her by advocating against the death penalty."

". . . [W]hat happened to my little girl changed my life," Jaeger Lane said, describing her last moments with Susie when a small campground kiss good night became a full-on kiss on the lips at Susie's insistence that her "Mama" kiss her right.

"I praise God for that lovely memory because that's the last time I saw my little girl," Jaeger Lane said. "Susie is the reason I'm here tonight and the reason I do all the things I do."

Speakers praised Justice Hunt for being courageous and for repeatedly taking stands for social justice even when it meant he was in the minority on the bench or was bucking law enforcement. He served on the Montana Supreme Court for the last 16 years of his legal career.

ACLU of Montana Board Member Tom Biglen told the crowd about a case in which a drunken Whitefish man had been convicted of disturbing the peace because he yelled at a police officer.

In his dissenting opinion, Hunt wrote, "Those in authority should be careful about taking such remarks personally and careful about exercising their power as a weapon of retribution."

Former Jeannette Rankin Award winner John C. "Skeff" Sheehy described Hunt as "steady as can be," adding that Hunt achieved greatness "by working every day and always keeping in mind the welfare of his fellow human beings in the state."

Hunt's son, Jim, said his father instilled an anti-death penalty ethic in him at an early age. "Dad said, 'The state should not be in the business of killing people.'"

Bill Hunt said that some asked him if he would accept the award since Rankin opposed World War II, a war that played a large role in defining Hunt, who served as a radio operator in Europe. But Hunt said that he respects Rankin's courage to vote her conscience.

Courage was necessary on the Montana Supreme Court bench, too, he said. "We stood pat and we stood firm. The philosophy was if, you didn't know which way to go, look at what the underdog wrote," Hunt said. "If you have doubts, go against the money."

About 100 people turned out at the reception and awards ceremony



Retired Justice William E. Hunt, ACLU of Montana Executive Director Scott Crichton and Marietta Jaeger Lane at the 2009 Jeannette Rankin Awards. View more photos of the celebration on the photo page of our website, www.aclumontana.org.

Why We Support the ACLU



ACLU supporters Andy Laue, psychotherapist and licensed clinical social worker in Missoula, and his partner Rafael Chacón, professor of art history and criticism at The University of Montana.

We believe that the strength of our nation lies in its respect for the individual—living, working and realizing his or her human potential in and through community. In almost a decade of seeing the value of the individual and respect for community eroding in our country, the work of the ACLU has been a crucial light in the dark. We support the ACLU because it actively safeguards our values—championing the weak, the powerless and the dispossessed when the system fails, and protecting our rights. The ACLU's instrumental role in the lawsuit for partnership health benefits in the Montana university system impacts us personally to the tune of about \$500 per month and it helped erase an ugly piece of discrimination in our state.

to honor Jaeger Lane and Hunt. The event was hosted in the home of Alan and Nancy Nicholson in Helena, and catered by the Mediterranean Grill.



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More information at
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"Fusion Centers: Domestic
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