

MindFreedom

Recovery Support Network
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April 6, 2005

Chief Justice Karla M. Gray
Montana Supreme Court
Room 323, Justice Building
P. O. Box 203003
Helena, MT 59620-3003

Dear Chief Justice Gray:

I had the opportunity to read the March 16, 2005 letter which your staff attorney, Christine A. Wethern sent to James B. Gottstein on March 16, 2005 responding to Mr. Gottstein's February 28, 2005 letter. I felt that you should receive a copy of my April 5, 2005 letter to the Montana State Governor because the enforcement of your Order in the case of *In re Mental Health of K.G.F.*, 2001 MT 140, 306 Mont. 1, 29 P.3d 485 (Montana 2000) which requires that attorneys representing persons with mental illness serve as a "vigorous advocate for the respondent's wishes" is required to end the grave human rights violations that are occurring in the State of Montana at this time. This problem was addressed in Mr. Gottstein's letter to your Court but was simply not adequately addressed in the Court's response through Ms. Wethern. It's difficult to take a Court seriously that doesn't even take its own Orders seriously or participates passively in human rights violations.

I believe that, at this point in time, some sort of judicial and/or executive action will need to be exacted to bring an end to the human rights violations occurring in your mental health system in Montana. At a minimum there should be some enforcement of your Order requiring that attorneys represent mental patients as "vigorous advocate[s] for the respondent's wishes." This does not seem to be occurring at this time. It is important for the judicial system to participate in the support of recovery for these people and honoring their will is a very critical step in the recovery process. There is no reason for psychiatry to be forced on anyone. That form of inhumanity does not bode well for recovery from mental illness. Your Court should take judicial notice of this important fact as it is related to a very important state interest, i.e. helping people heal. The state interest of supporting recovery should always be held above mere detention.

Sincerely,

Michael Haan, J.D.
Director
MindFreedom
Recovery Support Network

cc: MindFreedom Support Coalition International
PsychRights