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**A LETTER FROM THE ACLU OF MINNESOTA**

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You should be proud of all that we have accomplished collectively on behalf of the Bill of Rights during this past, most challenging year. Your money has been efficiently and well spent. Let us tell you some of the highlights:

It was a difficult year politically. In Minnesota we have a Democrat for governor for the first time since 1986. Both houses of the Legislature are in the hands of the Republican Party for the first time in 40 years. While the legislature was very anti-civil libertarian, Governor Dayton has been very good on civil liberties issues.

Two of the worst legislative enactments were the proposed constitutional amendments on prohibiting marriage and on suppressing the vote, both of which were passed along party lines. The governor vetoed both bills, and you can be sure that the ACLU of Minnesota is joining with hundreds of other organizations, to register voters and hold public forums in opposition to both. There is also some discussion on litigation in this context.

Your ACLU was extremely active on the legal front as well. After three years, \$300,000 dollars in costs, and more than 3,000 donated hours by Peter Lancaster and his team from the Dorsey firm, the TiZA case was finally settled. Those involved agreed to not operate a charter school for a varying period of years to repay some of the money which taxpayers had been duped into paying for this religiously sectarian school. We believe this is the first time that an organization taking so much of taxpayers' money in the violation of separation of church and state has been forced to go out of business. The dedication and sacrifice by Peter and the Dorsey firm cannot be overemphasized. While there may be some additional ancillary proceedings, this essentially wraps up the case that cost more than any case the ACLU-MN has taken in its 59 year history.

For the last six years we have had an office in Bemidji, the Greater Minnesota Racial Justice Project, which has done important work to end racial discrimination faced against the Native populations. This year we expanded that work to open a second racial justice office based in Mankato that will focus on discrimination against the Latino and Hispanic populations. This is major work of great importance in spreading the benefits of the Bill of Rights to all peoples in our state. This work has been made possible by the generous support of our long-time board member Paul Redleaf and the Redleaf Family Foundation. Once again this past year, we also benefitted from the generous in-kind contributions of Johnson Printing.

We also filed seven new cases, including a case against a school in central Minnesota who interrogated a 12-year old girl for two hours to get her Facebook screen name and login password. Wallace Hilke and his team at Lindquist and Vennum are handling that case.

Finally, we are beginning our 60th year. In 1952, the Minnesota Civil Liberties Union was founded in Minneapolis. Stay tuned for events and news from the ACLU of Minnesota throughout the year. We look forward to an active year with this fall's pivotal election and a flood of public education activities related to the political season.

Thank you for your continued support of our vital work in defending the rights and liberties granted to all of us by the Bill of Rights. We promise you that our funds, though scarce, will continue to be effectively and efficiently spent.

Sincerely,



Charles Samuelson  
Executive Director, ACLU-MN



Vance Opperman  
President, ACLU-MN

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*Religious Freedom***ACLU - MN v. TiZA**

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The ACLU-MN commenced this landmark lawsuit in 2009 to end the use of public funds to promote religion at Tarek ibn Ziyad Academy. In 2011, TiZA closed because it could not secure an authorizer to replace its original sponsor, Islamic Relief. An authorizer is required in Minnesota for all public charter schools. The school subsequently filed for bankruptcy.

Two settlements occurred in the past year, which wrapped up a substantial portion of the case.

The first occurred in September of 2011 when the United States District Court approved a partial settlement of the ACLU-MN's lawsuit against TiZA, the Minnesota Department of Education, the school's former sponsor, Islamic Relief, and various school officials. This settlement ends the lawsuit against Islamic Relief and MDE. It contained two significant policy changes:

First, the settlement includes a requirement that every charter school in Minnesota must file a report annually confirming and disclosing any religious entanglement at these state-supported institutions. False reporting on these disclosure forms can be prosecuted under Minnesota criminal statutes.

Additionally, the Court authorized the release of a fact statement compiled by the ACLU-MN, the Commissioner, and Islamic Relief. These facts are backed by evidence and the three parties believe that they should not be in dispute. The fact statement outlines a number of the violations perpetrated by TiZA.

Then in February 2012, the ACLU reached a settlement with the trustee for the TiZA Bankruptcy estate for \$1.4 million for legal fees, although it is unlikely the ACLU-MN will see anywhere near that amount.

Volunteer attorneys on the case include Peter Lancaster, Katie Pfeiffer, Ivan Ludmer, Christopher Amundson, Dustin Adams, and Mark Wagner from Dorsey & Whitney.

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*Search & Seizure***DEMUTH v. FLETCHER**

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This case stems from raids launched by the Ramsey County Sheriff's office on the homes of demonstrators in the days leading up to the 2008 Republican National Convention. Vast amounts of constitutionally-protected literature were seized including books, pamphlets, posters stickers and buttons. A settlement was reached in this case in June 2011 when Ramsey County agreed to pay the demonstrators \$27,000 for damages. As part of the settlement the plaintiffs arranged a one hour meeting with Sheriff Matt Bostrom. In addition, Ramsey County has agreed to return all of the seized literature and property belonging to the plaintiffs.

Attorneys in the case include ACLU-MN volunteer attorney Albert Goins, Goins Law Office, National Lawyer's Guild volunteer attorney Geneva Finn, and ACLU-MN Legal Counsel Teresa Nelson.

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*Prisoner's Rights***BEAULIEU v. MSOP**

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The ACLU-MN filed an amicus brief in this appeal from the denial of a petition for habeas corpus against the Minnesota Department of Human Services (DHS). Petitioner Wallace Beaulieu is a patient who was civilly committed as a Sexually Dangerous Person. He is currently being held by DHS at the Minnesota Sex Offender Program (MSOP) in Moose Lake. Beaulieu's civil commitment in 2006 was based on two convictions for criminal sexual conduct as well as evidence relating to two charges for which he was acquitted. The length of his civil commitment is "indeterminate," but no other civilly committed sexually deviant person has been released since the law was passed in the mid 1990's. Beaulieu informed his attorney that he wished to appeal the civil commitment order; however, his attorney missed the filing deadline for his appeal and it was rejected as untimely. Beaulieu sought review with Minnesota Supreme Court, which was denied as well. Beaulieu's attorney argued to both courts that the appeal should not be rejected based on an inadvertent mistake made by his attorney.

Beaulieu then filed a petition for habeas corpus in federal district court, which was denied on the grounds that he had not exhausted his state-law remedies. The 8th Circuit Court of Appeals affirmed that decision. Pursuant to the federal court's decision, Beaulieu attempted to exhaust his state-law remedies by going back to state court to file a

habeas petition arguing that his attorney had provided him with ineffective assistance of counsel by failing to timely appeal his commitment order. His petition was summarily denied by both the District Court and the Court of Appeals based on the determination that the constitution does not require effective assistance of counsel in civil commitment hearings and habeas relief is not available for violations of the statutory right to effective assistance of counsel. The Minnesota Supreme Court granted review, and a decision in the case will likely be issued by summer, 2012.

In its brief, the ACLU-MN urged the Minnesota Supreme Court to take the necessary steps to ensure that individuals facing civil commitment receive effective assistance of counsel. Given the track record of the MSOP program, Beaulieu is very likely to be civilly committed for the rest of his life. If he were a criminal defendant, principles of due process would require he be afforded an opportunity for appeal, and a habeas action would be available to him as a remedy for his attorney’s error. In the context of criminal cases, the failure to file a timely appeal is per-se ineffective assistance of counsel. As Judge Klaphake observed in his dissent to the Court of Appeals decision, Beaulieu has “been cast into a no-man’s land of non-remedy and indefinite loss of liberty: he has had no direct appeal... and now we are preparing to hold that the final remedy, a state habeas challenge, is also unavailable.” Such an outcome would cast an even greater pall on the constitutional legitimacy of the State’s indefinite civil commitment scheme.

*Search & Seizure*

**MCCAUGHTRY ET.AL. v. CITY OF RED WING**

The Minnesota Supreme Court recently breathed new life into a case filed by the Institute for Justice challenging a City of Red Wing rental registration ordinance for violating the Minnesota constitutional right to be free from unreasonable searches and seizures. The ACLU-MN participated in the case as amicus curiae, arguing to the Court of Appeals that the ordinance violated the Minnesota Constitution. When the Court of Appeals refused to consider the merits the case based on its conclusion that the plaintiffs did not have standing to maintain the case because they had not yet been subjected to an actual search, the ACLU-MN again participated as amicus curiae in the Minnesota Supreme Court, arguing that the plaintiffs had suffered a sufficiently cognizant injury to confer standing and urging them to reverse the decision of the Court of Appeals. The ACLU-MN argued that the restrictive reasoning of the Court of Appeals would make it substantially more difficult for litigants to vindicate their constitutional rights in the future if the decision was not overturned.

On December 28th, the Minnesota Supreme Court reversed the decision of the Court of Appeals and held that the plaintiffs do have standing to maintain their action. The

case was remanded to the Court of Appeals for a decision on the merits of the Plaintiffs’ constitutional claims. The Court of Appeals has ordered the parties to file supplemental briefs addressing cases that have been decided since its earlier decision and then will issue a decision based on the full record at a later date.

Attorneys on the case include ACLU-MN Legal Fellow Jessica Arck and ACLU-MN Legal Counsel Teresa Nelson.

*Freedom of Speech*

**OCCUPY MINNEAPOLIS v. HENNEPIN COUNTY**

In Fall 2011 the ACLU-MN filed a lawsuit on behalf of the group Occupy Minneapolis and four named individuals to pursue litigation on behalf of the group. The lawsuit argued that the County’s new restrictions unconstitutionally restrict the demonstrators’ free speech rights. Occupy Minneapolis has been continuously “occupying” the Hennepin County Government Center Plaza since October 7, 2011 to express their frustration with the growing economic and political inequities in this country. After a few weeks Hennepin County tried to enforce a set of new rules that unconstitutionally restricted the demonstrators’ free speech rights. Some of the new rules included restrictions on signage, chalking and access to electricity as well as the demonstrators’ ability to sleep and stay warm during the winter months.

The US District Court denied our motion on all counts except for a challenge to a rule prohibiting the affixing of signs on the plaza. The success in challenging the prohibition on affixed signs proved to be short-lived; however, because the Defendants indicated that they intended to modify the prohibition so that it would likely pass constitutional muster. At a court-ordered settlement conference the four individual plaintiffs agreed to settle the lawsuit by dropping the case in exchange for some modest concessions by Hennepin County including the return of seized property, lifting some no-trespass notices received by group members and rental of a storage locker on the premises for property needed to maintain their demonstration on the Plaza.

Cooperating attorneys include: Tim Griffin and Brian Thomson of Leonard, Street and Deinard and Alain Baudry, Justin Perl and Leora Maccabee Itman of Maslon Edelman Borman & Brand LLP.

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*Freedom of Speech*

**R.S. & S.S. v. MINNEWASKA AREA SCHOOL DISTRICT, ET.AL.**

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The ACLU-MN filed a lawsuit in Federal District Court against Minnewaska Area Schools and the Pope County Sheriff’s office for violating the constitutional rights of a minor student. R.S.’s free speech and privacy rights were violated by the school district in two separate instances involving Facebook. (To protect the privacy of the minor defendant, she will be referred to as R.S.)

In early 2011, R.S. posted a comment, while at home, on her Facebook page about her dislike of a school staff member. The school learned about the comment, and R.S. received a detention and was forced to write an apology to the staff member. She was disciplined again when she cursed on her Facebook page, complaining that someone reported her to the school. This time she was given an in-school suspension and was prohibited from attending a school field trip. The ACLU-MN contends that these sanctions violate her First Amendment right to freedom of speech.

In a second incident R.S. was brought into a school administrator’s office where she was coerced to turn over (against her will) login information to her Facebook and e-mail accounts because of allegations that she had online conversations about sex with another student off-campus. Present at the search was a local deputy along with two school officials. During this process, R.S. was called a liar and told she would be given detentions if she did not give the adults access to her accounts. R.S.’s mother was not informed about the search until after it happened. The Deputy and school officials did not have a warrant to search R.S.’s private accounts. The ACLU-MN alleges in their suit that this violated R.S.’s Fourth Amendment right to be free from unreasonable search and seizure.

The lawsuit seeks damages, declaratory and injunctive relief for the violations of R.S.’s constitutional rights.

Cooperating attorneys working on the case are: Wallace Hilke and Bryan Freeman of Lindquist & Vennum PLLP and Professor Raleigh Hannah Levine, William Mitchell College of Law.

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*Freedom of Speech*

**STATE v. CRAWLEY**

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Last autumn, the Minnesota Court of Appeals held that Minnesota’s law criminalizing false reports of police misconduct violates the right to free speech guaranteed by the First Amendment. The ACLU-MN submitted an amicus brief in an appeal of a criminal defendant, Melissa Crawley, who was prosecuted in Winona County for allegedly knowingly making a false report of police misconduct. We joined Ms. Crawley in arguing that the law was unconstitutional because, although the state may criminalize knowingly false speech, it cannot select one viewpoint – false statements of police misconduct – and single it out for harsher punishment while not equally punishing false statements that tend to exonerate an officer accused of misconduct. The Court of Appeals agreed and held the law unconstitutional. The County petitioned the Minnesota Supreme Court for review of the decision and the Court agreed to hear the case. We will again participate as amicus curiae.

Volunteer attorneys on the case include Abigail Richey-Allen, Sarah Riskin, Rachel Bowe, and Nadege Souvenir from Maslon Edelman Borman & Brand.

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*Freedom of Speech*

**TATRO v. UNIVERSITY OF MINNESOTA**

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The ACLU-MN filed an amicus brief on behalf of Amanda Tatro in her challenge to discipline imposed on her by the University of Minnesota based on her off-campus online speech. Ms. Tatro is an undergraduate student in the U of M mortuary science program for students wishing to become funeral directors or morticians. In late 2009, Tatro made several off-color comments posts on her Facebook page relating to her experiences in the embalming lab. Tatro was charged by the University’s disciplinary body with violations of a University rule prohibiting threatening conduct and various mortuary science department rules involving privacy and proper care and respect for deceased persons. The school imposed discipline including probation for the remainder of her undergraduate career, changing her grade in the lab course from a C+ to an F, requiring her to enroll in a clinical ethics course, write a letter addressing the issue of respect, and complete a psychiatric evaluation. Tatro sought judicial review of the discipline, arguing among other things that the discipline for off-campus speech violated her First Amendment right to free speech. The Minnesota Court of Appeals affirmed the discipline and the Minnesota Supreme Court agreed to review the decision.

In its amicus brief, the ACLU-MN argues that the Tinker line of cases do not apply to college students because of the significant differences between secondary and post-secondary schools in terms of their educational goals, disciplinary needs and the age and maturity of students. In addition, secondary schools are often considered by courts to be acting in loco parentis (in the place of parents), thus their role in shaping student morals and values is significantly different from the role of post-secondary education. Because of these significant differences, secondary schools have more leeway to impose speech restrictions than do post-secondary schools and relying on Tinker in this setting was inappropriate. Second, the ACLU-MN argued that, even if Tinker was properly applied to a post-secondary student, Tatro's off-campus speech did not rise to the level of a material and substantial disruption of school activities that would allow the university to impose discipline for her speech under the Tinker standard.

The attorney in the case is Raleigh Levine of William Mitchell College of Law

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*Freedom of Speech*  
**VAN WERT**

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After numerous attempts to resolve a personal matter with Tim Pearson, Gordon VanWert and Mary Kotowski exercised their First Amendment right by protesting on the public sidewalk in front of Tim Pearson's funeral home business. Pearson then sought an ex parte harassment restraining order against Kotowski and Van Wert. Pearson was granted a restraining order without notice that stated that Kotowski and Van Wert could not come within 3,000 feet of Pearson's business. The area encompassed by the restraining order prevented them access to their doctors, the post office and even the court house.

The ACLU-MN represented Gordon Van Wert and Mary Kotowski arguing, that the restraining order was used improperly to suppress their freedom of speech rights. At a hearing our attorneys were successful in obtaining the dismissal of an unjust restraining order and the case was dismissed with prejudice.

Volunteer attorneys in the case are Tim Griffin and Liz Kramer of Leonard Street and Deinard.

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*Freedom of Speech*

**STATE FAIR CIRCUS PROTEST**

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Coalition for Animal Rights Education allowed to protest at circus held at the State Fair Coliseum.

This Spring, the ACLU-MN and volunteer attorney Alain Baudry were successful in convincing Minnesota State Fair officials to allow animal rights protesters to peacefully demonstrate within sight and sound of a circus that was held at Warner's Coliseum on the grounds of the Minnesota State Fair. The Coalition for Animal Rights Education (CARE) has exercised its free speech rights to hold signs, chant and distribute leaflets designed to educate circus patrons about the treatment of animals used in circuses. In previous years, Minnesota State Fair officials have denied their request to demonstrate and distribute literature in close proximity to the event, erroneously stating that demonstrations and protests are completely banned inside the fairgrounds even when the State Fair is not in session. Their demonstrations were relegated to an area across the street from the fairgrounds and several blocks away from the circus, making it difficult for members of the group to reach their intended audience. The ACLU-MN agreed to provide them with legal assistance because the State Fairgrounds are considered a limited public forum and we believe that the total ban on demonstrations and literature distribution on public sidewalks while the State Fair is not in session, is an unconstitutionally overbroad restriction on the right to free speech.

After being contacted by the ACLU-MN and our volunteer attorney, State Fair officials agreed to allow the group to demonstrate and distribute leaflets on the public sidewalks leading up to and in front of the Coliseum. In a meeting between State Fair officials and a CARE representative, we successfully negotiated a satisfactory agreement between the two groups that allowed CARE members to get their message out to circus patrons. We are pleased that State Fair officials were willing to ensure that CARE's First Amendment rights remain protected and are hopeful that groups wishing to demonstrate in the future will also have their rights protected.



### Greater Minnesota Racial Justice Project South: June 2011 to April 2012

In June 2011 the ACLU-MN opened a new Greater Minnesota Racial Justice Project office in Mankato to focus on racial injustice faced by the growing Latino population in Southern Minnesota.

The overall percentage of Hispanic or Latino people (4.7%) is fairly small in Minnesota compared to other states; however, the bulk of increases in Latino populations have occurred in Southern Minnesota. The counties we chose to focus on have higher percentages of Latinos compared to the Minnesota average. The impact of new populations moving into local communities is immense. Smaller communities have to adapt to new populations with unique needs across social services, law enforcement and schools. The population shifts and reports of lack of resources or poor treatment is what brought the ACLU to the Mankato area.

Since the office opened, it has concentrated its work in four key areas: investigating issues of racial profiling, researching the impact of ICE holds, developing community relationships and collecting background data on counties and schools.

GMRJP – South investigated issues of racial profiling by talking with Latinos at churches, citizenship classes and meetings organized by local advocates. We have reviewed over 800 ticket citations and warnings, 100 dash cam videos and over 2000 pages of state patrol background event chronologies.

Using data from nine counties, we reviewed over 150 ICE detainees and discovered that the cost to Minnesotans in those counties to hold suspected undocumented immigrants is over \$26,000. We are concerned these holds are unconstitutional and that those affected lose their due process protections.

The GMRJP - South has also been working on developing relationships with local community leaders and organizations, ranging from the local universities, judges, other community organizations and public officials. We are part of a diverse Mankato network comprised of people who work directly with local populations of color.

Demographic data has been collected from the U.S. Census on each of the ten counties on which the ACLU-MN is focused. We have created a school database for 39 school districts and 108 schools in these counties. The database contains demographics including race and ethnicity of the teachers and staff, compliance with desegregation laws and some data on school resource officers. Lastly, we have examined the desegregation plans submitted to Minnesota Department of Education of the seven school districts identified as racially isolated.

### MANKATO BY THE NUMBERS:

<b>2000 +</b>	State patrol background event chronologies examined
<b>1500 +</b>	Police dispatch records reviewed
<b>831</b>	Ticket citations and warnings from law enforcement analyzed
<b>152</b>	ICE detainees studied, finding cost to taxpayers of \$26,644
<b>100</b>	Dashboard camera videos reviewed
<b>63</b>	Incident or field reports evaluated
<b>51</b>	Data Practices sent
<b>25</b>	Policies from state agencies reviewed
<b>600</b>	What to do if you are stopped by police cards in Spanish distributed
<b>130</b>	Latinos attended one of our seven immigrant rights presentations
<b>39</b>	Number of school districts (108 schools) in ten county area for which data was collected on demographics and desegregation compliance

### 2012 Annual Report—GMRJP North

In 2011-12, GMRJP North focused on developing active relationships with area tribal colleges (Leech Lake, Red Lake and White Earth each have a tribal college on reservation land) as a means for advancing indigenous leadership and asset-based visibility in the region. From doing direct teaching on constitutional rights to attending non-profit board member training with students from these colleges, GMRJP - North not only increased awareness about our project and individuals rights but also established lasting ties with the future leaders of this area's indigenous communities.

In March over 130 people (our biggest audience yet!) attended our opening reception for the third annual "Art from Within" exhibit which drew artists from across the state of Minnesota. The theme for the show, our Bill of Rights, sparked important discussion about creative expression, freedom of speech, equal protection under the law and religious liberty. Artists came from all walks of life: from Minnesota prisons to established fine art institutions. In statements we received from incarcerated artists, we were again reminded about how important the exhibit opportunity was to them and how few opportunities exist in which citizens, regardless of their civil status, can contribute to the speech and expression. We look forward to continuing this annual tradition in spring of 2013.

Despite great programs and outreach success over the past year, our work is far from finished. Percentages of American Indians incarcerated in our county jails still indicate disparate impact (proportional to the general population) on our minority populations. We continue to field frequent calls and visits about individual civil liberties violations. Volunteer court monitors observe hundreds of hours of daily court proceedings in an effort to make our court systems more accountable, and yet we can always use more





volunteers. We greatly appreciate the support we received from the many interns and volunteers who walked through our doors and contribute to our project in many ways. We are also grateful for the individuals who spoke up and advocated for their rights—whether by making a call to our office or by talking with families about how to respond to traffic stops, housing upheaval and police misconduct (to name a few). Lastly, without you, our membership base, the important work we carry out would not be possible—chi miigwech.

### THIS YEAR GMRJP ...

- Hosted and/or sponsored 11 different events with over 480 people in attendance
- Spoke at over 26 different events and trainings to over 750 people over the course of the year
- Logged over 130 hours doing formal community outreach and education at county fairs, tabling at luncheons, and more
- In December, January and February alone, court monitors logged over 180 volunteer hours and observed over 1,500 cases—from arraignments to sentencing in Beltrami and Itasca Counties
- As of July 2011, received over 200 calls and/or office visits regarding potential civil liberties violations. Of the 200, 90 completed necessary forms to enable review by our St. Paul based legal team
- Sent 80—100 envelopes containing Know Your Rights materials and complaint forms to American Indians incarcerated in local jails per month (Jail Roster Project)
- Was mentioned and/or featured in local, regional and or state press over 36 times in 2011-12
- Supervised over 25 volunteers and interns in 2011-12

### Vote No 2012 Annual Report

When the Republicans took control of both houses of the Minnesota Legislature in 2010, they had a long wish list of constitutional amendments.

One was an amendment which had been held off since 2006: Permanently limiting marriage rights to one man and one woman. The Legislature passed that amendment in the spring of 2011.

Rumors circulated that the Legislature would take up as many as three more amendments in 2012. So, in the summer of 2011, the ACLU-MN began planning our defense. At the Minnesota State Fair, we set up a voting booth and asked about the marriage amendment, a voter ID amendment, an anti-union amendment, and an anti-tax increase/budget amendment. Results showed an easy defeat of the marriage discrimination amendment, a strong defeat of voter ID and the budget amendment, but a slim victory for the anti-union amendment.

Based on this self-selected poll, we formulated a plan to defeat these amendments. The ACLU-MN created the Vote No 2012 ballot campaign to work on defeating any amendment that would limit rights of Minnesotans. We launched our Vote No 2012 committee website and campaign in February by offering a \$1,000 bounty for anyone who could document a real case of voter impersonation fraud that the proposed voter ID amendment would have prevented. We received no eligible evidence and kept the \$1,000.

As the 2012 legislative season draws to a close, it appears there will only be two amendments on the ballot: the marriage discrimination amendment and an elections amendment that includes voter ID. Broad coalitions have gathered to oppose both amendments, and the ACLU-MN belongs to both.

The constitution serves as a shield, not a sword, designed to protect minority views and peoples from the tyranny of the majority. It is an abomination that these amendments would write discrimination into the Minnesota Constitution. However, the American Civil Liberties Union of Minnesota exists to fight this very type of discrimination. Members, supporters and friends, when you hear the call to action to defeat these amendments, we hope you will respond with the passion and integrity for which this historic organization is known.

### Lobbying April 2011 – April 2012

Through legal research and coalition building, the lobbying program of the ACLU-MN is working to prevent unconstitutional legislation. We monitored over 237 bills in the 2011-2012 legislative sessions that would impact civil liberties (both negatively and positively).

In 2011, we continued to reform Minnesota's civil asset forfeiture laws. In 2012, our second reform became law. The bill makes it easier for property owners to challenge DWI forfeitures, and standardizes the asset forfeiture notice forms in plain, not legalistic, language.

The ACLU-MN opposed two abortion bills. One would create a new licensing scheme for abortion clinics, and one would prohibit the use of telemedicine to administer the





abortion-inducing drug, RU-486. Both of these bills would serve to limit access to safe and legal abortion.

The ACLU-MN testified against a bill which would have mandated unconstitutional drug-testing for welfare recipients and a bill mandating use of the federal e-Verify system for all new state employees. We opposed the e-Verify bill because it did not provide due process for mistakes in this employment eligibility system.

A great deal of the ACLU-MN's time was spent lobbying against the proposed constitutional amendment to require a photo ID to vote. The essential flaw in this proposal is that it gives the government the power to pick and choose its electors, turning the concept of government by the people, of the people and for the people on its head. The ACLU-MN helped to find testifiers to demonstrate the burden a voter ID requirement would have on the elderly, the poor, the disabled and the young. In the Senate, testimony about the burden of this proposal lasted for six hours; in the House it lasted for over five hours. The ACLU-MN's allies presented over 30 separate views on this, while proponents of the measure had only one or two testifiers.

In the end, proponents of this constitutional amendment had the votes to put it on the ballot for November 2012, but not before we had established the case that it will change access to the ballot for real voters in Minnesota. Also, we solidified institutional opposition to this measure, helping to create a coalition of over 80 labor, charitable and religious organizations publicly opposing voter ID.

Finally, our lobbying effort worked on two major areas of public safety: Taser policy and criminal intelligence. In December, 2011, we published a report entitled, "Shocking: The Lack of Responsible Taser Policy in Minnesota." This report culminates over five years of efforts. We surveyed over 400 law enforcement agencies and found insufficiencies in Taser use policy and training that create conditions for excessive use of force.

We also engaged in talks with public safety policy groups in Minnesota about the institution of criminal intelligence gathering in our state. Preventative policing is the new trend in law enforcement, and the ACLU-MN is working to ensure it does not include creating conditions for racial profiling or suppression of First Amendment activity.



#### **New Publications available:**

The ACLU-MN is continually striving to provide young people with relevant and useful materials. The ACLU has created three new resources for young people.

- Rights of Pregnant and Parenting Teens - a small brochure that educates pregnant and parenting teens about their rights in school.
- Sexual Health Rights of Minors Brochures – a brochure that educates minors about their rights if they are sexually active (e.g. can they buy birth control as a minor)
- Social Networking, your privacy rights explained – A one page handout designed to educate young people about the rights online and how it relates to school.

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All the resources are available on our website, [WWW.ACLU-MN.ORG](http://WWW.ACLU-MN.ORG) under the resources tab.



## EARL LARSON AWARD

More than 100 friends of the Bill of Rights came together on November 30 at the Minneapolis Club to honor 2011's outstanding civil libertarian, Peter Lancaster, with the ACLU-MN Earl Larson Award. Lancaster, a partner at the Dorsey & Whitney law firm in Minneapolis, has been the leader of a team of attorneys and volunteers who successfully litigated the TiZA case. (See more about TiZA in other parts of our website.) The event raised nearly \$10,000 for the ACLU-MN Foundation.

Lancaster was lauded by ACLU-MN Executive Director Chuck Samuelson and President Vance Opperman for his strategy and tenacity in this case that has consumed more than 8,000 hours of pro bono work. Attorneys from top firms came to congratulate him, as general members of the ACLU-MN who wanted to applaud this outstanding leader and his team.

Lancaster joins a constellation of civil liberties stars over Minnesota such as Judge Earl Larson, Dr. James Shannon, Vice President Walter Mondale, Judge Rosalie Wahl and last year's Larson Award Winner Tim Branson.

The event was sponsored by Dorsey & Whitney and Johnson Printing and Packaging.

## RECOGNIZING THE WORK OF FRANCIS GALT

*"I'm glad that the ACLU sometimes makes decisions I find hard to accept. That doesn't make me mad. It challenges me to think. It also makes me glad to be a member of an organization that can be counted on to stick to principles."*

Isn't that just the sort of complex thinking you'd expect from a life-long supporter of the American Civil Liberties Union? For Francis Galt, that support actually extends beyond his own lifetime.

How is that possible?

For starters, the Galt family support extends back to his father, who joined the ACLU before Fran was born. Consequently, Fran was raised on dinner table discussions of the beauty of democratic principles and the importance of sticking to these principles, even when doing so



is neither convenient nor easy. The senior Mr. Galt's life was full examples of this, as was Fran's life.

Now his support extends into the future, beyond his own lifetime, since he's added a bequest to the ACLU in his will.

Fran and his wife, Margot, are philanthropic folks who make annual gifts to several organizations. Adding a bequest to his will was a much bigger decision for Fran than these regular gifts, since he wants to leave a lasting legacy to his children, as well. By carefully reviewing his financial situation, he realized that he can do that as well as leave a legacy supporting the work that addresses the core values of his life. The ACLU is the only organization that Fran Galt has named in his will.

If you have considered, like Fran did, including the ACLU in your will, the Lu Esther T. Mertz Charitable Trust is providing an incentive to do so right now. The Trust has set aside \$2 million in matching funds which will be used to make a cash donation today equal to 10% of your future gift's value, up to a maximum match of \$10,000.

"Our American founding documents are remarkable. The Preamble to the Constitution is a marvelous statement. The Bill of Rights is astonishing. They represent thinking that makes a strong basis for any civilized society," says Fran.

This is the basis for his yearly support of ACLU and for adding us to his will, since our mission is to protect the integrity of these founding documents. If you are interested in making a bequest now to take advantage of the matching gift available through the Lu Esther T. Mertz Charitable Trust, call Carol Stoddart at 651-645-4097, ext. 126, or email her at [cstoddart@aclu-mn.org](mailto:cstoddart@aclu-mn.org).

**D A T A D A T A**

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