

ACLU Minnesota CIVIL LIBERTIES NEWS

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BREAKING

ACLU
Minnesota

We just filed a lawsuit over an alleged assault by Worthington police that broke four of the victim's ribs, lacerated his liver and pancreas, and landed him in intensive care.

ACLU-MN SUES CITY OF WORTHINGTON AGAIN OVER POLICE BRUTALITY

When immigrants and people of color in Worthington see a police car, their first thought isn't always about pulling over – it's often about staying safe.

Two years ago, the ACLU of Minnesota sued the City of Worthington and the Buffalo Ridge Task Force, which includes Worthington police, for excessive force. Police had pulled over a young man named Anthony Promvongsa. They repeatedly kicked and punched him while he was still in his front seat, before he could even take off his seat belt.

The assault was caught on video. The ACLU-MN won a \$60,000 settlement late last year and the promise of multiple reforms to use of force by police.

Now we've had to sue the city again for excessive force. On Oct. 14, we filed a new lawsuit in U.S. District Court against the City of Worthington, its police department, Police Chief Troy Appel, Officer Mark Riley and his friend Evan Eggers (who was doing a ride-along).

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PROTECTING RIGHTS ISN'T ABSTRACT



John Gordon

When I looked around the room at our recent Fulfill Liberty's Promise annual breakfast, I was struck by the fact that there were hundreds of you in the packed room, all joining together with the singular goal of protecting and promoting civil liberties.

This power in numbers is visible any time we come together to protect civil rights, whether it's working in community groups, signing petitions, sending letters or visiting lawmakers. And it's multiplied exponentially through your membership in the ACLU of Minnesota, which also brings you membership in the national ACLU, now at 1.85 million strong.

When you support the ACLU-MN, whether it's as a member, a volunteer or a donor, you pick up the same mantle borne by those who have stood with us for the past 100 years to protect the Constitution. The ACLU has been fighting for justice since the Red Scares and the Palmer Raids in the 1920s, through the McCarthy witch-hunts of the 1950s, the Civil Rights Movement in the 1960s, the anti-war movement in the 1970s, and the fights for reproductive rights, women's rights, free speech, racial justice and the protection of immigrants.

These are not abstract legal concepts. The work we do is always connected with the lived experiences of the most vulnerable, the most threatened, the most powerless among us. This newsletter of full of examples, like a recent state Court of Appeals ruling that continues to stop the Nobles County Sheriff from detaining immigrants for ICE, and our victory over the State Department in winning a passport for a U.S. citizen and war veteran.

There is a common thread that runs through all of this work.

Is it fighting for justice? Yes. Because, as a plaque on my desk reminds me every day, "Justice is what love looks like in public."

Is it fighting for fairness and equality? For sure.

But it is something else, too. It is fighting for dignity: the dignity of everyone in this country, no matter who they are or how they got here. The dignity to be recognized as a fellow human being.

How do we do this work? With you. With you, we are building an army of allies for those in our communities who need us the most.

With you, we are building an organization that has quadrupled in size in the last few years.

With you, we are building a legal team that will have expanded from two lawyers to a half dozen by the year's end.

With you, we have doubled the size of our lobbying and policy staff, and we're expanding our advocacy work from the Legislature to towns, cities and counties all over Minnesota.

We are proud of the work we are doing. Personally, I am bursting with pride for the dedication, the commitment, and the passion of the stellar staff of this organization. And I'm just as proud and grateful to see that same pride and commitment coming from all of you. Together, we will protect everyone's civil liberties, now and into the future.

U.S. BORN VETERAN HAPPY TO FINALLY GET A PASSPORT

A Minnesota veteran of two wars who was twice denied a passport has finally received one.

The State Department had denied Mark Esqueda's request for a passport and questioned his citizenship, even though Esqueda was born and raised in the U.S. and had earned a level of military clearance given only to citizens.

The Heron Lake man served our country as a U.S. Marine in Iraq and Afghanistan, and again in the Army National Guard. The ACLU-MN successfully sued to have Mark declared a citizen and get a passport.

"It has truly been what I wanted to happen, to not have my citizenship doubted," Mark said. "I'm just happy, and I hope I never have to prove myself like this again."

Having the government question his citizenship doesn't change how he feels about the U.S. "I will always love my country, and I'm always proud of my country," Mark said.



Mark Esqueda shows off his new passport, which he got after we sued the government.

NEWS UPDATES

WHAT YOU NEED TO KNOW

Just because it doesn't get a headline doesn't mean it's not important.

ACLU-MN SUES TO RESTORE VOTING RIGHTS // The ACLU-MN and national ACLU filed a lawsuit in late October to allow more than 52,000 Minnesotans to vote. People with felony convictions who are on supervision or probation are currently barred from voting, even after they have finished any prison term, even if they've never spent a day in prison. Faegre Baker Daniels is pro bono co-counsel on *Schroeder v. MN Secretary of State*. (Watch the next newsletter for details.)

APPEALS COURT RULES IN ACLU-MN'S FAVOR // The Minnesota Court of Appeals ruled Sept. 23 in favor of our argument that local law enforcement does not have the authority to detain people for ICE in violation of state law. The court upheld a temporary restraining order, which halts these ICE holds in Nobles County. The court agreed that our clients are likely to prevail on their argument that holding people for ICE after they've been released from state custody is a new seizure under Minnesota law.

ACLU-MN CRITICIZES CITY FOR VIOLATING FREE SPEECH // Our staff attorneys sent a formal letter to St. Cloud's City Council, mayor and city administrator in late September, strongly urging them to comply with the Constitution. The council voted to censure a member who wrote a critical letter to the editor. The ACLU-MN letter urged the council to rescind that censure and amend Rules of Conduct that require members to "praise in public and critique in private."

TRANSGENDER TEEN'S LAWSUIT MOVES FORWARD // A Minnesota state court judge ruled that our lawsuit against Anoka-Hennepin School District for discriminating against a transgender male student (N.H.) can continue.

BRUTALITY ...CONT'D FROM PAGE 1

“Immigrants and people of color are too often targeted by police excessive force,” said ACLU-MN Legal Director Teresa Nelson. “We hope this lawsuit makes the city and Worthington police finally recognize and stop the use of excessive force against all people. Police are sworn to protect and serve people, not harm them, and certainly not to send them to the intensive care unit.”

Pleading for medical treatment

In January 2019 – just four months after the settlement in that first excessive force case – Kelvin Francisco Rodriguez was driving in Worthington when he saw a police car. He pulled off the street, something he regularly does because he’s fearful of how police treat immigrants and people there.

Rightly so: That night, when Kelvin pulled into an auto dealership parking lot, Worthington police followed – even though they had no reason to suspect Kelvin of wrongdoing. He got out and ran, fearing for his safety.

Officer Mark Riley put on his squad lights, and Kelvin immediately returned with his hands up, which is visible on the dash cam video. He got down on the ground.



Kelvin walks toward Officer Riley with his hands raised. (Spotlight effect added for visual clarity.)

Even though Kelvin was following commands, Officer Riley and his friend Evan Eggers ran toward Kelvin. The lawsuit says, “Upon information and belief, Eggers kicked Rodriguez in the back and grabbed his arm.”

Officer Riley dropped his weight onto Kelvin and kned him in the back, the lawsuit says. Kelvin audibly cried out in pain. He repeatedly asked on the video for medical help and to go to the hospital, but police ignored his pleas.

An hour later, Kelvin finally got medical care. The assault broke four of his ribs and lacerated his



Kelvin Francisco Rodriguez (center, and clearly in pain) can be heard on the dash cam video repeatedly requesting medical help.

pancreas and liver. He was bleeding internally. Kelvin had to be airlifted to Sanford Medical in Sioux Falls, S.D., where he spent five days in intensive care. He underwent multiple surgeries and medical procedures costing close to \$150,000.

Worthington may have violated settlement

The ACLU-MN lawsuit alleges excessive force that violated the Fourth Amendment and a delay in medical care that violated the Fourteenth Amendment.

“What happened to me is happening to other people, but they are silent,” Kelvin said. “That’s why I’m working with the ACLU of Minnesota to file suit. As a human being, I ask that the police be held accountable for not adequately doing their job and not respecting me as a human being. My wife and children saw me going in and out of life and death. I think it is fair to ask for justice.”

The new lawsuit points out that Worthington police seem to be violating the earlier settlement by failing to adequately investigate or document use of force, take action to prevent these incidents, or discipline officers for violations.

NEW KNOW YOUR RIGHTS RESOURCES

If you are pulled over by police or ICE comes knocking, it’s essential to know your rights. Updated pocket guides that spell out these rights are now available in four languages: English, Spanish, Somali and Hmong. They are available for free by calling (651) 645-4097 or emailing support@aclu-mn.org.

You can also find more information online at www.aclu-mn.org under Resources.

FOREIGN ELECTION INTERFERENCE IS MISUNDERSTOOD

By Jenny Portis,
Communications Intern

We tend to view foreign interference in our elections as some sort of attack or abuse. But an internationally known security expert says this online influence is more nuanced than we think.

Privacy specialist and public interest technologist Bruce Schneier, who is widely known as a “security guru,” said that foreign governments spread misinformation through savvy manipulation of how these platforms are intended to work. He spoke at a recent event for Liberty’s Champions donors.

These governments turn shared public knowledge, trusted facts about things like mechanisms of government or how the judiciary works, into contested knowledge.

They introduce doubt in our political institutions — Was the 2016 election fair? Can we trust the Census? — and insidiously erode our democratic stability from the inside.

This is the kind of information we turn to when it comes time to vote, which involves two different processes: voting itself, and deciding who to vote for in the first place. Both have weaknesses. Casting a ballot involves a relatively informal and insecure system of vote tabulation, combined with the lack of a federal agency with the power to ensure the election is free and accurate.

But the political psychology that takes place before a voter even enters the booth on Election Day is what’s been dominating headlines for the past few years.

When we decide who to vote for, we rely on the web and social media for much of that information. And that, of course, is where foreign governments have been distorting these facts and spreading misinformation.

However, we attribute too much brainwashing power to the content that foreign governments introduce online, Schneier said.

“It’s not that the internet turns people into Nazis,” he said. “It’s that the internet turns Nazis into voters.”



Privacy specialist Bruce Schneier, widely known as a “security guru,” tells ACLU-MN donors that foreign interference in our elections is dangerous, but more complicated than we think.

Rather than reshaping individuals’ political opinions, the rising presence of this sort of content enables people who are susceptible to those ideas to find each other, congregate and mobilize.

Schneier emphasized the difficulty in managing the nearly intangible methods of foreign election interference.

“It’s very hard to outlaw misinformation without losing a lot of things that we care about,” he said. What makes it so challenging is that the behaviors themselves can’t be made wrong: Everyone has the right to be an internet troll if they so desire.

Looking to the future, our government’s tactics for defending against foreign interference are evolving. Federal agencies like the NSA and the FBI were much more effective at protecting election security in 2018 than in 2016, Schneier said. But the attackers are learning and adapting, too.

While this may sound alarming, Schneier said that much of the actual data on election security shows that concerns are generally overblown. The U.S. government’s democratic integrity is not on its deathbed.

We need not issue a cry of panic, but instead, we must be cognizant of the fact that foreign election interference is real — and it’s more subtle than we think.

EVENT RESOLVES YOUTH WARRANTS, BUILDS TRUST



ACLU-MN Smart Justice Ambassador Ismael Doré and volunteer Qais Copeland (in yellow), and Kay G Wilson, greet teens who come to resolve their warrants without fear of arrest.

County agencies and courts on Sept. 22 to host the first Hennepin Juvenile Warrant Forgiveness Day. The event gave kids and teens a chance to meet with public defenders, appear before a judge, and resolve their misdemeanor warrants, all without fear of arrest. Possible outcomes included a new court date, probation, community service and sometimes even dismissal of their case.

The teens and their families browsed the Community Resource Fair, collecting resources on health care, education, housing, mental health, chemical dependency, recreation and nutrition. Youth could perform community service onsite, building Little Free Libraries and making sandwiches for families in need.

The event seeks to help end the criminalization of poverty by resolving warrants, rather than penalizing people with escalating fines and threats of arrest.

Navigating the court process is difficult enough for adults, who have to juggle jobs, childcare and transportation issues with court dates. But teens, who may not fully grasp the importance of resolving misdemeanor warrants, can be especially vulnerable, said Adesola Jaiyesimi, a youth equity and innovation manager with Hennepin County Juvenile Probation.

“Young people may not have the same gravity of concern as adults, who have a keener awareness of potential consequences,” she said. “We want them to understand, to think: How will this affect me?”

Overwhelmed support systems and lack of trust in the system may present additional obstacles.

“Support is a big thing,” Jaiyesimi said, pointing to youth who attended the event all by themselves. “Even things like transportation can certainly be an obstacle for young people, to get on a bus and get themselves there when no one is helping them or telling them that they have to.”

She acknowledged that fear of arrest remains a significant deterrent, a concern echoed by kids and teens who attended the event.

Word of mouth may be the most effective way to spread the news about Warrant Day and establish a climate of trust, a teen attendee said. Fortunately, he intends to be at the forefront of that effort.

“I am definitely going to tell people,” he said.

The teen heard about the event on the news and on social media, but it took a personal nudge to get her to attend Juvenile Warrant Forgiveness Day.

For her, the day marked a rare return to North Minneapolis, a neighborhood she associates with childhood trauma. She was reluctant to make the trip alone, but when her new therapist urged her to attend the event and resolve her warrant, she eventually agreed: “My therapist told me: The time to get this done is now.”

Like many other participants, she walked into Hennepin County Juvenile Warrant Forgiveness Day feeling uncertain and anxious, but by the time she left, she was tired but beaming with relief.

“The public defender was so good and so professional, and you can tell that people in the community really want to help. I’m leaving with so many resources that can help me stay on track. Just look at this purse full of stuff!” she laughed.

The ACLU of Minnesota, NAACP Minneapolis and other community groups partnered with Hennepin

DONOR & VOLUNTEER SPOTLIGHT

BREAKFAST FUNDRAISER FULFILLS LIBERTY'S PROMISE

Thank you to the nearly 500 supporters and board members who generously contributed to Fulfill Liberty's Promise, served as table hosts and attended the event.

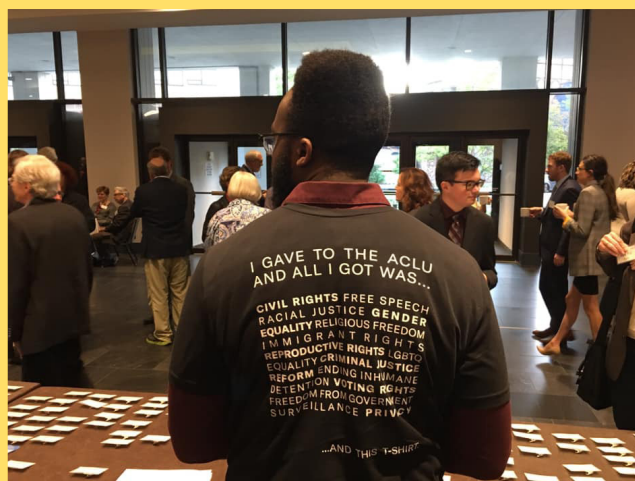
During our annual fundraiser Sept. 24, we showcased recent cases involving illegal immigrant detention, First Amendment rights, and access to gender-confirming healthcare.

We celebrated the way we all are bringing our best to the fight for civil liberties in Minnesota during this perilous era, whether that means giving our time, our talents or our ability to donate.

Brave clients and allies talked about the fear that undocumented family members feel right now, and about the frustration a former addict is experiencing after becoming a first-generation college graduate and addiction counselor herself – but still being barred from voting for 40 years.

Thanks to everyone who helped raise a record amount to safeguard and promote civil liberties!

(Photo at right) Volunteer Henry Adebisi



HELP US MEET GENEROUS MATCHING CHALLENGE

An anonymous donor has announced they will match all gifts to the ACLU of Minnesota up to a total of \$50,000!

All gifts between now and Dec. 31 will be matched dollar for dollar. That means if you become a member or donate, you will double your contribution – and double your ability to safeguard the civil liberties of all Minnesotans.

Donate at www.aclu-mn.org/en/donate or contact Director of Philanthropy Judy Hawkinson at (651) 529-1695.

State Fair volunteers including Patrick Naillon (left) and Board Member Howard Bass gave out a record 7,500 pocket Constitutions this year.

visit aclu-mn.org for more information

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Civil Liberties News
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SAVE THE DATE

March 10, 2020, 2-5 p.m.

Day at the Capitol

Capitol Rotunda, Saint Paul

Join ACLU of Minnesota for the annual lobby day at the state Capitol. We'll rally at the Rotunda. Then we'll visit our lawmakers in small groups to support legislation that promotes and protects the civil liberties of all Minnesotans.

April 23, 2020

Liberty Awards

Celebrate people and groups that have made a difference for civil liberties, including the Earl Larson Award.

Visit aclu-mn.org to signup for our mailing list.

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