

ACLU Minnesota CIVIL LIBERTIES NEWS

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ACLU SUES TO RESTORE VOTING RIGHTS IN MINNESOTA

Tierre Caldwell grew up with his mom bringing him to the polling station, his feet peeking out from under the polling booth. He planned on doing the same for his children someday.

Yet even though he registers others to vote, he was not allowed to vote himself. Minnesota bars people on felony probation from casting a ballot. The last time Tierre could legally vote, the year was 2008.

His children asked him, "Daddy, when are we going with you to vote?" He says it's hard to encourage your kids to vote when you cannot.

"I've already paid my debt to society," Tierre said. "I'm paying taxes, but I don't really feel like I'm a part of 'society' because I can't vote. I can't vote for my kids' sake for who to put on the school board, I can't be part of any of that."

That's why the ACLU of Minnesota and the ACLU Voting Rights Project joined together to sue the Minnesota Secretary of State's Office on Oct. 21 to restore voting rights.

...CONTINUED ON PAGE 4

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HOPE COMES THROUGH ACTION



John B. Gordon

There are days right now when it feels like we're watching our civilization burn. The attacks on our civil liberties by the Trump administration are numerous and constant.

Our government holds immigrant children in cages without clothing, showers or even toothbrushes. We pack their parents into holding facilities like sardines. The administration keeps rolling back protections for people of color, for a woman's right to choose, and for transgender people to secure jobs, housing and healthcare.

As you might expect, outrage is a big part of our day here at the ACLU of Minnesota. But so is joy, and so is hope.

Looking back at 2019, we know that we fought with everything we had to make our state and nation a better place. And we had a good year: Look at page 3 of this newsletter, and you'll see a list of our top 10 achievements of 2019. It was tough to narrow it down to just 10!

We won a passport for a Minnesota veteran of two wars after the government denied it and questioned his citizenship. We got a case dismissed against a woman who recorded police making an arrest. We sued to protect LGBTQ+ students from discrimination, to end police brutality and to stop a county sheriff from illegally holding immigrants on behalf of ICE.

You are the ones who made these victories happen.

For the past few days, I have been signing a thick stack of thank-you notes to our generous donors, whose year-end contributions make this work possible. I'm touched and amazed to see how deep our support is throughout the entire state. All of us at the ACLU-MN are grateful to everyone who donated time or money, and joined the fight for civil liberties.

Now it's time to fight harder than ever.

The Minnesota legislative session is about to begin. The 2020 elections will determine what the Supreme Court and our civil liberties will be like for decades. If we allow lawmakers and judges to hobble us with punitive legislation and retrograde court decisions, our Bill of Rights will be eviscerated for generations.

We won't let that happen. United, we can create and protect real liberty and justice for all.

We are eager for the fight.

A handwritten signature in black ink, appearing to read 'John'.

THE YEAR IN REVIEW

TOP 10 VICTORIES OF 2019



1

THE ACLU OF MINNESOTA SUED TO RESTORE VOTING RIGHTS

We sued the Minnesota Secretary of State's Office to demand voting rights for more than 52,000 Minnesotans who are barred from voting while on felony probation.

2

WE GAINED FORCE FOR OUR LEGISLATIVE AGENDA

We built momentum to protect email privacy, cap probation terms, fix a forfeiture system that encourages "policing for profit," and reform traffic fines and fees.

3

WE WON A PASSPORT FOR MARK

Our settlement affirmed the citizenship of former Marine and Minnesota resident Mark Esqueda and secured his U.S. passport.

4

WE HOSTED EVENTS TO RESOLVE WARRANTS AND BUILD COMMUNITY

Warrant Resolution Days resulted in more than 1,500 misdemeanor warrants cleared, without fear of arrest.

5

WE HALTED ICE DETENTIONS IN NOBLES COUNTY

The state Court of Appeals ruled that local law enforcement lacks authority to detain people for ICE.

6

THE ACLU SUED THE CITY OF WORTHINGTON — AGAIN

The latest police assault broke four of Kelvin Francisco Rodriguez's ribs, lacerated his liver, collapsed his lung and sent him to intensive care, our lawsuit said.

7

WE FOUGHT LGBTQ+ DISCRIMINATION IN SCHOOLS

The ACLU-MN filed suit against Anoka-Hennepin School District for discriminating against a transgender student.

8

WE OVERTURNED THE CONVICTION OF A PEACEFUL I-94 PROTESTER

The Minnesota Court of Appeals overturned the conviction of Jeffrey Berger, who protested police violence after the shooting death of Philando Castile.

9

WE STOOD UP FOR AMY WHEN SHE WAS CHARGED AFTER RECORDING AN ARREST

We won a dismissal for Amy Koopman, a bystander wrongfully charged with obstruction after lawfully recording an arrest.

10

YOU SPENT 1,058 HOURS FIGHTING FOR CIVIL LIBERTIES

You helped resolve thousands of warrants, promoted immigrant rights, shared our LGBTQ+ achievements at Pride and pressed legislators for civil liberties reform.

IMPEACHMENT UPDATE

NATIONAL ACLU BOARD VOTES TO SUPPORT IMPEACHMENT

The ACLU Board voted Dec. 12 to adopt a resolution supporting the impeachment of President Trump:

"Having considered the ACLU's mission and policies concerning the protection and advancement of civil liberties, nonpartisanship, and the extraordinary circumstances in which the ACLU shall take a position on the impeachment or removal of a government official, a majority of the National Board of Directors of the ACLU believe that President Trump has indeed committed impeachable offenses and violated his oath to preserve, protect, and defend the Constitution," said the resolution, which states several violations by President Trump. The vote was 55 to 2.

Learn more at: <https://www.aclu.org/press-releases/aclu-supports-impeachment-president-trump>.

JENNIFER CAN'T VOTE UNTIL SHE IS 71 — WHY?



Jennifer Schroeder (center) shares a light moment with two other plaintiffs in the voting rights lawsuit, Tierre Caldwell (left) and Elizer Darris (right), during an ACLU-MN press conference.

My story starts out like so many other addicts. I come from a broken home. Addiction became part of my life very early on. I ended up bouncing around from foster home to foster home, and group home to group home. I felt like I was disposable.

Addiction slowly consumed me until it was the only thing I knew. It is the worst hell, to be inside your own head and watch your life fall apart, screaming at yourself to stop.

My rock bottom was the day my newborn baby girl

was taken from me. Then I got pulled over for driving without a license. I was charged with possession. It was almost a relief. I was so exhausted and sick of the life I was living.

I was sentenced to 365 days in a county jail, and 40 years of probation. Even though I exceeded every expectation the court laid out for me, the judge pulled the rug out from under my feet and told me she was terminating my parental rights.

But I did not turn to drugs. I decided that if I really

ACLU SUES TO RESTORE VOTING RIGHTS ...CONT'D FROM PAGE 1

More than 52,000 Minnesotans are barred from voting, even though they live, work, raise families and pay taxes in our communities. The state prohibits them from voting while they're on felony probation or supervision. That's true even after they have finished serving any prison term, and even if they've never had to spend a day in prison.

They are our neighbors. They live in every county

of our state. Yet Minnesota is violating their rights to due process and equal protection under the state Constitution by prohibiting them from choosing who will represent them.

"Voting is the one thing that makes you feel free," Tierre Caldwell said. "Statistics show the majority of people who vote don't go back to prison. It makes me feel like they (the government) can take my

wanted my daughter to know how much I loved her, I could not give up. I rebuilt my life from nothing. I had no license, no car, and no credit. I had never had a checking account.

I enrolled in college. I took out student loans, and I became the first person in my family to graduate. I earned a degree in addiction counseling. I am now a counselor at Wayside Recovery Center, where I started my own recovery journey. I am determined to help people still suffering from addiction.

But the hard part isn't over yet. I will spend 40 years on probation. Under current Minnesota law, I cannot vote until I am 71 years old.

I should have the right to vote for the person who I think will make policy changes that will enable me to be successful. There's absolutely no reason that anyone who's served their time should be stripped of their right to participate in our democracy. I feel very silenced.

"I should have the right to vote for the person who I think will make policy changes that will enable me to be successful."

The hell an addict goes through is punishment enough. Addiction is not just a disease, it's a symptom of something larger that's wrong in our society. Adding overly harsh sentences and stripping people of their right to vote do not help recovering addicts or our communities.

I am proud that I have turned my life around. I volunteer, I have a job, I pay taxes, and I'm active in my church. I am dedicated to making a difference in the lives of others.

But when do you reach the point where what you're doing now – and who you have become – is enough? When do you get to be considered a full-fledged member of society again? When do you get to vote?

Voting is a civil right. Every Minnesotan should have a voice and a vote. And the voices of the people struggling the most should be heard the loudest.

tax money, but I can't participate in selecting our leadership. I have a problem with that."

The state's voting ban doesn't serve any legitimate or rational government interest, said ACLU-MN staff attorney David McKinney (pictured on page 1, leading the press conference.)

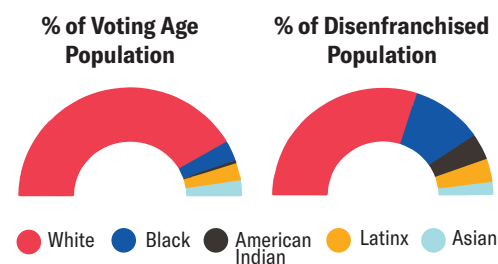
"The criminal justice system is supposed to be about reform, redemption and reintegration into society," he said. "Denying people the vote flies in the face of these goals while violating a fundamental right."

Denying the vote hurts people of color and those in Greater Minnesota the most.

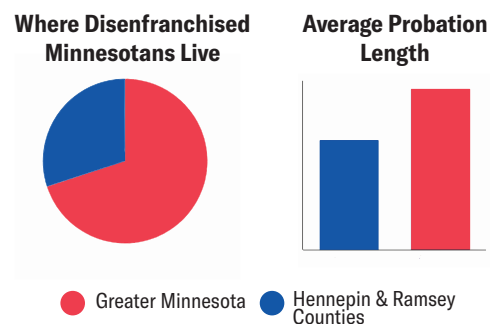
"Minnesota has never articulated any justification for disenfranchising citizens who live in our communities following a felony conviction, and none exists," said Craig Coleman, a partner with Faegre Baker Daniels, pro bono co-counsel on the case. "The exclusion of these citizens from the political process is fundamentally wrong, undemocratic, and corrosive to constitutional governance."

VOTING RIGHTS FACTS

Disenfranchisement disproportionately affects people of color.



Disenfranchisement hits Greater Minnesota the hardest.



Minnesota has one of the nation's highest rates for people on probation, which means more people are prohibited from voting.

7th

In 2016, **one in 41** Minnesota adults was on probation or parole, giving us the nation's seventh-highest rate for people on supervision.

WE ARE GROWING

WELCOME NEW FACES TO THE ACLU OF MINNESOTA

GRACE ALLEN is our new philanthropy assistant. She helps maintain database integrity and provides support for donor events. She has a master's in nonprofit leadership from Belmont University in Nashville, Tenn.

PAUL DIMICK is our Equal Justice Works Fellow, sponsored by Allen I. Sacks PA and the Family of Hyman Edelman. He defends low-income immigrants against unlawful detention. He served as a Peace Corps volunteer in Guatemala.

ISMAEL DORE is our new community engagement associate. He first started working with us as a canvasser during the 2018 election. He will focus on our Smart Justice work including recruiting new activists and event planning.

NOBLE FRANK is the communications associate. They create and oversee the ACLU-MN's digital presence. Previously, they were the communications manager at the Center on Women, Gender & Public Policy at the University of Minnesota.

MICHEALA SHARP is the communications assistant. She is taking on several projects to increase the ACLU-MN's reach. She recently graduated from



Macalester College with a major in Arabic and critical theory.

MUNIRA MOHAMED is our new policy associate working on our policy agenda and monitoring key legislation. She has worked for the City of Minneapolis as a research analyst.

HEATHER MUNDT, our new paralegal, has been in the field for 15 years. She graduated from the University of Wisconsin – Eau Claire with a bachelor's in criminal justice. Heather got her start at a civil rights firm in Chicago and has a passion for social equity.

NEWS UPDATES

WHAT YOU NEED TO KNOW

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

ACLU OF MN CREATES IMMIGRANTS' RIGHTS RESOURCE // Following President Trump's threats on Twitter of widespread raids, the ACLU of Minnesota created an online guide outlining what immigrants can do if ICE comes knocking. The webpage includes information on offering sanctuary, local immigration hotlines, legal clinics and Know Your Rights sheets in multiple languages. <https://www.aclu-mn.org/en/news/immigrantrights>.

STANDING UP FOR THE RIGHT TO PROTEST // In response to a Trump campaign rally and protest in Minneapolis that was expected to be contentious, we launched an online and social media campaign detailing people's rights during a protest. It answered common questions like what to do if you're detained by police. It's available in English and Spanish. <http://www.aclu-mn.org/en/know-your-rights/what-if-im-attending-protest>.

STAFF UPDATES

- Smart Justice Organizer **ELIZER DARRIS** spoke to visiting Congressional Black Caucus members about the state of juvenile justice. Darris was appointed to a working group headed by Attorney General Keith Ellison and Public Safety Commissioner John Harrington on police use of deadly force in Minnesota.
- Former Policy Counsel **JULIA DECKER** has been promoted to Policy Director.
- Former Policy Director **BENJAMIN FEIST** has been promoted to Chief Programs Officer.
- Greater Minnesota Racial Justice Project Coordinator **JULIO ZELAYA** was named a Humphrey Policy Fellow at the University of Minnesota.

SAINT PAUL SUED FOR WITHHOLDING POLICE DATA

The City of Saint Paul has withheld clearly public data on policing from the ACLU-MN for more than 18 months, so we sued.

Since the summer of 2018, the Saint Paul Police Department has unlawfully refused to provide us with critical data including stops, citations, arrests and uses of force – all of it public, said the lawsuit the ACLU-MN filed in Ramsey County District Court on Dec. 4.

Although Saint Paul Mayor Melvin Carter and SPPD Chief Todd Axtell have publicly committed to government transparency and police accountability, the SPPD has not produced information required by Minnesota laws.

“Police have provided only a fraction of the data the ACLU of Minnesota has been requesting for more than 18 months, even though this data is clearly public under state law,” said ACLU-MN staff attorney David McKinney.

“A full accounting of police activities is crucial to ensure adequate oversight, accountability and transparency, and to understand the scope of racial disparities that are already apparent in the limited amount of data that the police department has released,” he said. “This information is essential to make sure that all interactions with police are safe and just.”

The data (from Jan. 1, 2015, to the present) that the SPPD has refused to produce includes:

- Data for each adult and juvenile arrest for all felonies, gross misdemeanors, misdemeanors and petty misdemeanors.
- The identity of police officers associated with citations, arrests, stops or uses of force.
- Any information related to investigative stops.
- Any use-of-force reports documented by police officers.

The SPPD claimed that it doesn’t track investigative stops, even though the department’s own manual requires officers to record these stops and give them a case number.

SPPD asserted that its electronic storage system is “antiquated and does not allow for saving an electronic report, or even mailing a report,” even though it has the technical capabilities to produce detailed arrest and apprehension data to the Bureau of Criminal Apprehension. SPPD is also violating state law that requires governments to keep records “easily accessible for convenient use,” the complaint said.

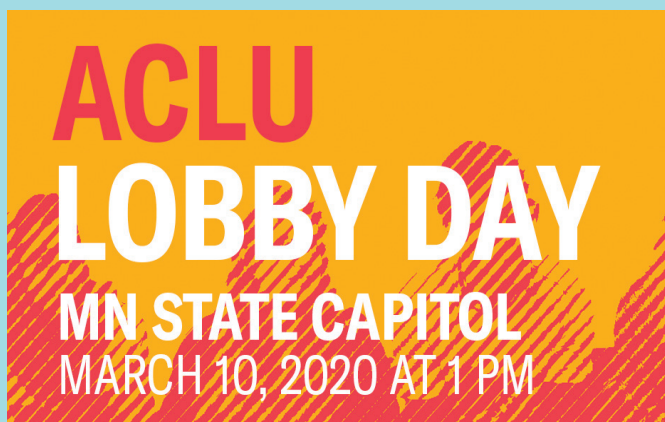
We are asking the court to order SPPD to follow the Minnesota Government Data Practices Act and release this public data.

WE NEED YOU AT THE STATE CAPITOL

You have the power to protect your rights and the rights of others in your community, just by talking to your legislators.

Join us on March 10 from 1 to 5 p.m. for ACLU-MN Lobby Day, where we will push legislators to:

- Reform court fines and fees and end wealth-based driver’s license suspensions, which disproportionately hurt those who can least afford them.
- Protect email privacy.
- Require warrants for drone surveillance by police.
- Fix a broken forfeiture system that encourages law enforcement to “police for profit.”



All participants get a free ACLU-MN T-shirt! If you’re coming from southern Minnesota, we have free bus service, with stops in Mankato, Worthington, St. James and St. Peter.

Register for Lobby Day to take direct action and protect civil liberties today.

<https://www.aclu-mn.org/en/events/aclu-mn-day-capitol>

MASS INCARCERATION IS NOT A MINNESOTA VALUE. WE HAVE A PLAN TO END IT.

As Minnesotans, we're justly proud of having one of the nation's lowest incarceration rates.

But the flip side is pretty ugly: Minnesota's overall rate for imprisoning people remains low, but that rate is climbing here while it's dropping in most states. Between 2000 and 2016, the state imprisonment rate across the nation fell by 7%. But Minnesota's rate spiked by a staggering 51%.

Today, nearly 9,500 people live in Minnesota prisons, and 6,000 more are in county jails. More than 110,000 adults are on community supervision such as probation, according to the ACLU and Urban Institute's "Blueprint for Smart Justice Minnesota," which outlines the problem and offers solutions.

As Minnesotans, we believe in second chances and in helping our neighbors. But our criminal justice system does the opposite – we are imprisoning people instead of addressing drug addiction, mental illness, underfunded schools and poverty head-on.

Nearly two-thirds of the people in prison are not there for violent offenses, the Blueprint says.

8 The impact of this mass incarceration ripples

across our state, damaging families and disrupting communities. The cost is astounding: The state corrections budget for a year is \$611 million, and trillions nationwide.

Between 2000 and 2016, the state imprisonment rate fell nationally by 7%.

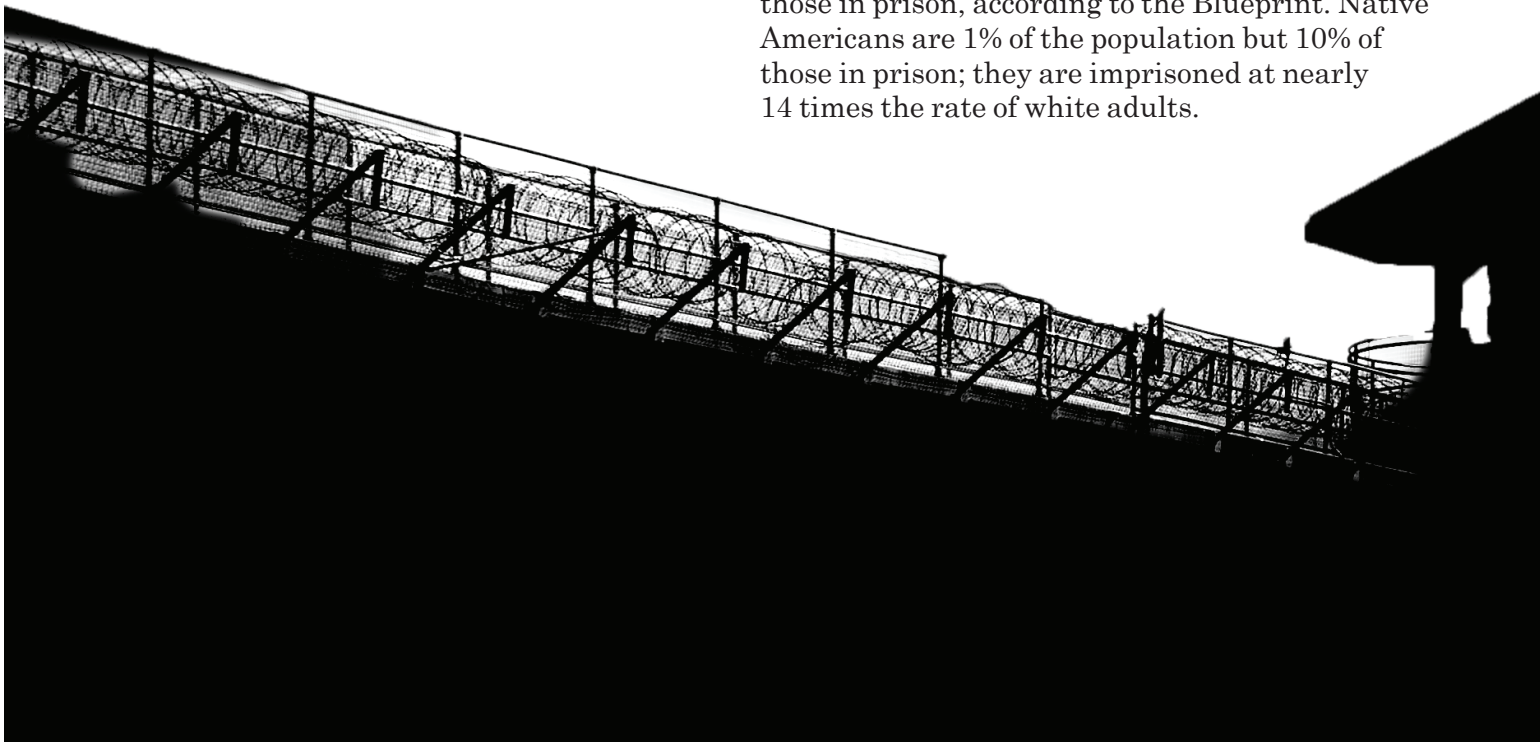
But Minnesota's rate spiked by a staggering 51%.

All of us want to live in safe and healthy communities. But our system is not working. We need to find alternatives.

Racism in our System

Racial disparities exist at every stage of our criminal justice system, from arrest through probation. The percentage of people of color in our prisons is appalling.

Black Minnesotans and Native Americans are the hardest hit. In 2017, Black Minnesotans made up just 5.6% of the state's adult population but 34% of those in prison, according to the Blueprint. Native Americans are 1% of the population but 10% of those in prison; they are imprisoned at nearly 14 times the rate of white adults.



Escalating Sentences

People are being held longer. That's partly because of extended sentences for property crimes. Getting rid of parole in the early '80s so that prison sentences would include a minimum term didn't help: People can no longer earn "good time" by taking part in treatment or programs.

Punitive Probation

Our probation system plays a big role in Minnesota's swollen prison population. In 2018, about 35 percent of those admitted to prison had not committed a new offense – they had violated probation conditions, called a technical violation. That means people can be sent back to prison for something as minor as staying out past curfew or missing or showing up late for a weekly meeting.

Minnesota has the nation's fifth-highest probation rate, largely due to overly long sentences. The ACLU-MN is hopeful the Minnesota Sentencing Guidelines Commission's Jan. 9 vote to cap most

In 2018, about 35 percent of those admitted to prison had not committed a new offense.

felony probation presumptively at five years, which we supported as a good first step, will help reduce this rate.

The War on Drugs

The so-called War on Drugs has clearly failed at just about everything but packing our prisons. It hasn't helped people who struggle with addiction and mental illness. About 40% of those in prison in 2017 were diagnosed as chemically abusive or dependent. Today, drug offenses are the single most common offense for people in prison in Minnesota.

Mental health issues are prevalent. More than 1,200 people were treated for personality disorder, along with a host of other conditions, in 2016 alone.

The prisons don't have the resources to treat them all. Certainly, imprisonment is far from the best way to treat addiction and mental illness.

Solutions to the Crisis

It doesn't have to be this way. If Minnesota follows the reforms in the "Blueprint for Smart Justice," we can dramatically reduce the high human and financial costs of mass incarceration. By 2025, our state could cut the total prison population in half, resulting in 5,484 fewer people incarcerated.

These reforms would save more than \$411 million that could be spent on schools, roads and other services that build communities, not tear them apart.

The Blueprint offers clear alternatives, everything from eliminating cash bail to legalizing marijuana.

The ACLU of Minnesota is pushing for reforms in our prosecutors' offices, courts and state Legislature. We won't wait for Washington to act to make life more just, safe and fair for all Minnesotans.

Learn more about our plan to fight mass incarceration in Minnesota:
<https://www.aclu-mn.org/en/blueprint-smart-justice-minnesota>

DONOR SPOTLIGHT

EXPANDED AWARDS EVENT RECOGNIZES DEFENDERS OF CIVIL RIGHTS



We're excited to announce the newly renamed and expanded ACLU of Minnesota Liberty Awards.

The 2020 Liberty Awards include the Earl Larson Award, which honors an attorney or team of attorneys for a demonstrated commitment to justice and civil liberties. Created in 1996, the Earl Larson Award remains the premier recognition of legal service to these principles.

As the struggle for justice and equality grows ever more urgent, we have recognized the need to honor even more of the activists, organizations and community members who are at the forefront of this fight. In 2019, we launched the Changemaker Award.

This year, we are introducing the newly renamed ACLU-MN Liberty Awards (formerly the Earl Larson Awards), and we're adding a brand new award.

10 The Torchbearer Award will celebrate the bravery and activism of a hero or small group of heroes who took action to protect civil liberties in Minnesota in 2019. Examples could include people who tape police stops, take action to fight police brutality, choose to be human shields, or otherwise advance the civil liberties of themselves or others.

We look forward to seeing you at the new, expanded Liberty Awards Gala on April 23. This inspiring evening will include a cocktail reception, silent auction and awards program.

ACLU-MN Liberty Awards

April 23, 5:30 to 8 p.m.

The Town & Country Club
300 N. Mississippi River Blvd.
Saint Paul, MN 55104

General tickets are \$100 (\$30 for students or those who work in public/social service).

Tickets on sale now: <https://www.aclu-mn.org/en/liberty-awards-2020>

JAZZ FOR JUSTICE

Sunday, March 8, 3 p.m.

Macalester Plymouth United Church

It's pretty wonderful when great music can help us achieve real justice. That's what happens at the Unity Through Music Benefit Concert on March 8.

This year the concert will feature the Peter Kogan Quintet, made up of local jazz luminaries Pete Whitman (saxophone), Lawrence McDonough (piano), Chris Bates (bass), Cody LeDuc (trombone) and Peter Kogan (drums).

The concert is the brainchild of Jean Carey, a specialist in repairing woodwinds, who creates and organizes the event with her family as a gift to the ACLU.

"Bringing musicians and audiences together in support of the ACLU has been such an honor," Carey said. "The ACLU's fight to maintain civil rights and protect our Constitution has faced astonishing challenges over the last few years. Organizing these concerts has been a way to say thank you for all the wonderful work!"

The performance is 3 p.m. March 8 at Macalester Plymouth United Church, 1658 Lincoln Ave., Saint Paul. Tickets are \$30 (\$10 for students).

<https://action.aclu.org/event/mn-unity-through-music-concert-2020>

YOU MADE GIVE TO THE MAX DAY A HUGE SUCCESS

Thank you for giving to the max to defend civil liberties!

Robust giving from across Minnesota led to a record Give to the Max Day.

A big thanks to everyone who donated and shared the ACLU-MN's campaign through your own social networks.

You helped make Minnesota's annual giving day our best yet!

Q&A WITH ACLU-MN VOLUNTEER WILLI LUCKER



Tell us about yourself.

I was born here in Minneapolis but lived in Marshall until I was about 12. My family felt called to be teachers in New Orleans after Hurricane Katrina, so we moved down there around 2008. We lived there until I graduated from college. Then I was commissioned as an officer in the National Guard. New Orleans was a great place, but it never felt like home. So we all decided to move up here to reconnect with where we're from.

Why do you volunteer with the ACLU of Minnesota?

I value my time and energy, and giving them to an organization that does its best to advocate for the disenfranchised is one of the best ways I can think of to help.

Share your best volunteer memory.

It was the most recent Day at the Capitol event in 2019. I met Sen. Hayden, and said, hey, I'm Will, a part of Lobby Day with the ACLU, and we are here to talk about a few of these issues. He said, yeah, I'm already on board, it's fine. And I got to spend 45 minutes chatting with a state senator. Then I asked him, do you have any recommendations that I can take to the ACLU? And he actually gave me information that I passed on later! It was cool to be a part of that process and that dialogue.



Top Left: Willi Lucker (left) and Kayla Elizabeth (right) are recognized at a Volunteer Appreciation event. Top Right: Lucker chats with a Smart Justice Leader. Bottom: Executive Director John Gordon speaks to volunteers at the event.

Which issue drives you the most?

I would say it's voter disenfranchisement, trying to combat voter suppression and make sure that everybody who ought to be counted is counted so that we can have a more representative government.

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SAVE THE DATE

Visit www.aclu-mn.org/en/events

From a Traffic Ticket to Jail? Ending Wealth-Based Injustice

Thursday, Feb. 13, 6 - 8 p.m. | UROC

Join the ACLU-MN and MPLS NAACP for a town hall discussion about our wealth-based justice system.

Jazz for Justice

Sunday, March 8, 3 p.m. | Macalester Plymouth United Church

Join us for an afternoon of jazz to benefit ACLU-MN, featuring the Peter Kogan Jazz Quintet.

ACLU-MN Lobby Day

Tuesday, March 10, 1 - 5 p.m. | Minnesota Capitol Rotunda

Join ACLU-MN supporters as we take our fight for civil liberties to the state Capitol.

Liberty Awards

Thursday, April 23, 5:30 - 8 p.m. | The Town & Country Club

Join us as we recognize efforts to protect and promote civil liberties in Minnesota.

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