

ACLU

Minnesota

CIVIL LIBERTIES NEWS

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Vote.

OUR **RIGHTS** DEPEND ON IT.
OUR **BODIES** DEPEND ON IT.
OUR **MARRIAGES** DEPEND ON IT.
OUR **FAMILIES** DEPEND ON IT.
OUR **DEMOCRACY** DEPENDS ON IT.

ACLU **70** YEARS

Minnesota

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EXECUTIVE DIRECTOR’S CORNER

PROTECT OUR FRAGILE DEMOCRACY: VOTE.

Last election, all the institutions that work to administer and protect the vote came under attack and showed us how fragile – and resilient – our democracy truly is.

In several states, Republican and Democratic officials reported pressure from then-President Trump and his allies not to certify the election, to replace electors, and even to “find” enough votes to overturn the results.

In the end, our democracy held thanks to the checks and balances in the U.S. Constitution and the bravery of individual election officials and lawmakers. At every level, from election judges who worked despite death threats, to a Michigan canvassing board member who declared “We must not attempt to exercise power we simply do not have,” to the vice president refusing to reject electoral votes, the stewards of our institutions refused to give ground. Our system worked. The will of the people was done.

But the system proved more fragile than we ever could have guessed. The vote of an entire nation should never have to depend on the bravery of a relative few.

Now many of these same stewards of our democracy and the building blocks that make up our voting system are under a highly organized assault. The Brennan Center reports that 27 states have introduced at least 148 bills to interfere with elections, while 39 states have proposed more than 390 bills to restrict voting. This includes Minnesota.

Election deniers are being recruited to become poll workers and observers in huge numbers across the nation.

If enough people dedicated to overturning the will of the people get themselves into the right places, they could overturn our democracy.

This is a crisis. This election is not about Democrats v. Republicans. It’s about electing people, from the school board on up, who believe in our institutions, who believe votes should count, and who will work to make sure our democracy holds.

We must make sure that people who care about the Constitution are monitoring our elections, and proposing and passing laws to protect our democracy. And to volunteer as election judges and poll watchers too.

This is a call to action. Get informed about the candidates. Talk to your family and friends. Vote.

And the ACLU of Minnesota will be right there with you, fighting for our rights in the courts, at the Capitol and in the community. Doing whatever it takes to protect our rights and our democracy.

Deepinder Singh Mayell
Executive Director



ELECTIONS 2022

HOW TO STOP ATTACKS ON OUR RIGHTS? VOTE. AND FILL OUT THE ENTIRE BALLOT.

Our basic civil liberties are under attack, from our right to vote, to our right to make decisions about our bodies, to who we marry and who we love.

The newly constituted Supreme Court rolled back the federal constitutional right to health care for half of our country, said it’s OK to force students to pray to a god that is not their own, and suggested that the court is coming back after birth control, same-sex marriage, and more. Our democracy is at stake.

We can change this – by voting, and making sure to fill out the entire ballot. Voting gives us the power to choose elected officials who will take bold action to stem the tide of these attacks. And it lets us hold lawmakers accountable when they fail.

The ACLU-MN wants to arm you with the knowledge you need to talk to friends and family about the issues that matter and the officials who wield the power to protect our rights. Here are some important offices.

MINNESOTA OFFICES

Governor

The governor proposes a state budget, approves or vetos bills, and calls emergency sessions. The governor appoints leaders of departments and agencies, and heads the National Guard. The governor often is the last line of defense against restrictions of our rights such as abortion bans. The governor serves a four-year term without term limits.

Attorney General

The attorney general is the state’s top legal officer. They can issue legal guidance to state agencies and the Legislature, including the legality and constitutionality of abortion bans, restrictions on the right to learn, and discrimination against LGBTQ students.

Secretary of State

The secretary of state is the chief elections officer. Their duties include overseeing and administering elections to ensure a fair and secure voting system.

Supreme Court

Since states are allowed to offer greater protection of our rights than the federal government does, the Minnesota Supreme Court is a powerful backstop in protecting our rights. There are seven justices on our state’s highest court. They are elected on a non-partisan basis to six-year terms.

School board

School boards create policy and a vision for the district, and choose the superintendent. They’re powerful in determining what kids learn and ensuring kids have equitable access to all educational programs and facilities – including those that match their gender identity – without fear of discrimination.

GIVING SOMEONE A VOICE THROUGH THEIR VOTE

Minnesotans are justifiably proud to hold the record for highest voter turnout in the nation.

But before we celebrate that fact, we need to acknowledge the racial and geographical disparities within voter participation – many communities of color in rural and urban areas still have low turnout.

ACLU-MN seeks to change that. Our Community Engagement team in southern Minnesota has a three-pronged plan to mobilize voters through voting education, election protection, and issue-based campaigns.

Organizers are targeting communities of color, New Americans and places with low voter turnout for voter registration, voting 101 information, and a multimedia “Finish Your Ballot” campaign to encourage voting on every race that’s up for grabs, not just the top offices.

They’re recruiting volunteers to watch outside polling places to make sure our voting rights are protected. Volunteers will report any issues to the Election Protection hotline (866-OUR-VOTE), which ACLU-MN attorneys help staff. Organizers build common ground among voters who care about civil liberties.

Remember, every elected office, from governor down to county attorney and sheriff, has an impact on our rights. And the fight for our rights starts with us – and our vote.

FINISH YOUR BALLOT

Learn more about other offices up for grabs: <https://www.aclu-mn.org/finishyourballot>.

KNOW YOUR VOTING RIGHTS

<https://www.aclu-mn.org/KYR-Voting>

ACLU-MN WINS \$685K SETTLEMENT TO END HOUSING DISCRIMINATION CASE

Thelma Jones thought she had found her dream house in Faribault, big enough to host BBQs and birthday parties with her family, to welcome her children and her grandchildren.

But a discriminatory housing ordinance stripped away her home and her security. Thelma was evicted, couldn't find other housing in Faribault, and had to move away. So did several other plaintiffs.

Thanks to these plaintiffs' bravery, the national ACLU and ACLU-MN sued the city of Faribault and has settled a lawsuit on their behalf. The \$685,000 settlement includes numerous reforms designed to end this housing discrimination in Faribault. The ACLU hopes the settlement serves as a model to help strike down similar programs across the country.

"The city of Faribault forced me, my children, and my grandchildren out of our home," Thelma said. "Instead of being able to enjoy my grandchildren playing in our backyard and sharing meals together, now we're scattered across the Twin Cities. I didn't feel safe staying in Faribault. While I can never replace the togetherness my family lost, I hope this settlement prevents discrimination like this from happening to other Black families."

Under the settlement, the Faribault City Council voted to overhaul its Rental Licensing Ordinance and so-called Crime-Free Multi-Housing program, which encouraged landlords to discriminate, and limited housing opportunities for immigrants and people of color.

"These discriminatory city policies made the Somali community feel singled out and unwelcome, especially after so many of us escaped civil war and refugee camps, expecting to make a new and safe home in Faribault," said Harun Mohamed Ali of Somali Community Resettlement Services, which had to divert scarce resources to address the housing crisis caused by the ordinance.

Before the settlement, along with permitting landlords to evict families for violating occupancy limits, the city's many troubling policies:

- Required landlords to conduct criminal background checks and encouraged them to refuse to rent to people with just minor convictions
- Allowed landlords to evict tenants for calling 911 for help
- Authorized police to order evictions of everyone in a household if officers merely suspected a tenant or guest was engaged in criminal activity, even if the person was not charged and even if they were found not guilty.



The discriminatory housing ordinance in Faribault led to plaintiff Thelma Jones losing her house. She couldn't find another one, and her family ended up scattered across the state.

This is what systemic racism looks like – one step short of Jim Crow.

"Some Somali families were evicted after simply having a baby," Ali said. "Having a newborn should be a time for joy and celebration, not a time for fear of losing your housing and security."

Now, background checks are optional, and landlords who choose to do them can only consider certain recent serious felonies – not arrests, misdemeanors, or expunged or reversed convictions.

The settlement will help ensure that domestic violence victims aren't evicted for their abuser's misconduct. It expanded due process for tenants facing eviction, giving them the right to appeal the city's determination for the first time. It also changed how occupancy limits are set.

"This settlement sends a clear message that this discriminatory conduct, which robbed immigrants and Black people of their homes and pushed them out of the city, will no longer be tolerated here or across the nation," said ACLU-MN Legal Director Teresa Nelson. "No one should lose their home because of where they come from or what they look like."

Learn more about the numerous reforms won at www.aclu-mn.org. ■

FREE SPEECH: HISTORY UNDER ATTACK IN SCHOOLS



Imagine you're a student or educator, afraid you won't be able to wear a Pride button or Black Lives Matter T-shirt, or teach the facts of American history, without facing serious repercussions.

That's what was proposed by Becker Public Schools. The school board is considering an ill-advised and likely unconstitutional policy that would prohibit "political indoctrination or the teaching of inherently divisive concepts." The policy would mandate that classrooms be free of "any personal bias or non-school materials favoring any particular group, political ideology, favored class or promoting controversial issues." It includes student artwork.

The ACLU of Minnesota is fighting the policy on several fronts, through legal advocacy letters to the School Board and police chief, a concerted communications push, and Op-Eds in the Star Tribune. We have asked the school board to reject the policy.

Let's be blunt – this policy is about censorship and erasure: an erasure of people, of identity, of our very history. It would effectively suppress and penalize both speech and education about LGBTQ issues and our nation's terrible racial history.

But sadly, Becker is not alone.

In Minnesota, state legislators unsuccessfully proposed similar restrictions on critical race theory, while at least 16 states have passed laws restricting racial education.

[visit aclu-mn.org](http://www.aclu-mn.org) for more information

At least seven states have introduced bills to regulate how teachers, textbooks or curriculums talk about gender identity and sexual orientation.

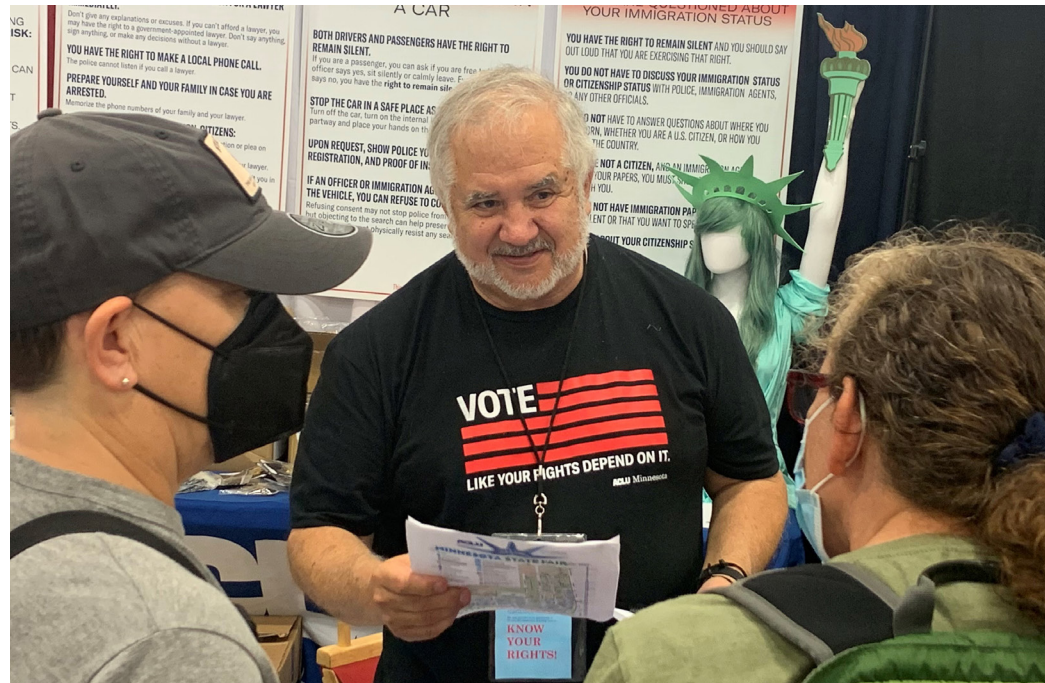
It's impossible to accurately teach history without teaching about divisive concepts such as discrimination and race.

Trying to erase our history by muzzling the First Amendment does not change our past or its consequences.

We believe schools are not the place for sanitized histories, but rather, for robust and open discussions about controversial issues.

This is especially true today as our country emerges from political upheaval, unrelenting attacks on democratic institutions, and a rollback of women's rights and reproductive freedom following the Supreme Court's overturning of *Roe*.

We need to learn from the past, not bury it. And part of that is making sure students know their history and their rights so they can defend our civil liberties for generations to come. ■



Photos (clockwise from top left): New Executive Director Deepinder Mayell meets supporters at a house party hosted by ACLU-MN Board Member Kathy Junek and husband John. Protesters rally in St. Peter and Saint Paul against the Supreme Court decision overturning Roe. ACLU-MN Board Chair Lariss Maldonado speaks powerfully about abortion rights at Breakfast with a Side of Dissent, and supporters listen with rapt attention. Dozens of volunteers helped spread word about our rights at the Minnesota State Fair.

BREAKFAST WITH A SIDE OF DISSENT

2022 ACLU OF MN ANNUAL FUNDRAISING BREAKFAST

On October 12, hundreds of people joined the ACLU of Minnesota to mark our 70th birthday. Our annual fundraiser, Breakfast with a Side of Dissent, showcased the critical work ACLU-MN is doing to protect and advance the rights of people living in our state and across the country.

If you missed the event, you can still catch it from a front-row seat in your living room, and there are still opportunities to give.

To watch the full event, go to <https://youtu.be/-4yVZyQ5kPk>

Thank you to our generous sponsors for supporting the rights of all Minnesotans.

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Nearly 300 people attended our annual breakfast fundraiser, either in-person or online. The inspiring event featured speakers sharing first-hand experience with abortion bans and immigration, and a behind-the-scenes look at how police attacks on media members led to a major lawsuit.

VOLUNTEER SPOTLIGHT

A Conversation with Henry Adebisi



Henry, one of our lead volunteers, has volunteered at numerous ACLU-MN events, including Warrant Resolution Day, Lobby Day, Twin Cities Pride, marshalling to keep events safe, and the annual fundraising breakfast. No matter the job, whenever we reach out, Henry always comes through with his passion and talents.

Describe your background for us.

My family is from Nigeria, and this is important because this background gave me the understanding of community. My parents demonstrated that communities build up each individual, and that one person’s success is everyone’s success. This drove me to study political science at Gustavus Adolphus College and to pursue a career in law.

Why do you to volunteer with ACLU-MN?

To me, it’s important to be an active member in the community. Out of love for my community, I believe if something is wrong, it’s my duty to remedy the issue to the best of my abilities. I want to advocate and help

people traditionally shut out of our political and legal systems.

What made you decide to become a volunteer?

When I graduated from college, I missed having an outlet for volunteering and learning. I had always admired the work of ACLU-MN, and so when I saw an opportunity to help, I was quick to sign up!

What has been your favorite volunteer activity and why?

My favorite activity is Lobby Day at the state Capitol. It’s a unique event that forced me to practice persuasion and oral advocacy.

Is there a memorable moment you can share?

My first ACLU volunteer event was Warrant Resolution Day, and I still remember to this day how happy people were when they had their outstanding warrants cleared. So many people were crying and were so thankful for the opportunity. One woman who left a session triumphantly said, “I’m going up from here.”

What issues the ACLU-MN works on are most important to you and why?

Apart from the current national legal trajectory, I think ACLU-MN is so great at articulating and informing people about encroachments and breaches of privacy rights. ACLU-MN is second to none in educating me on these issues and giving me tangible talking points to educate my friends and my elected representatives.

Where do you see the ACLU-MN heading in the future?

I see the organization as a growing critical asset in protecting civil liberties for people across Minnesota.

Anything else you wish people knew?

I was so deeply impacted by the work ACLU-MN does that I returned to school. I am grateful to say, I will be attending the University of Wisconsin Law School this fall.

Tiktok, Howard Stern, Part of Job for First Amendment Expert



Long-time ACLU-MN Board Member Raleigh Levine is the James E. Kelley Chair in Tort Law at Mitchell | Hamline School of Law, where she directs the Fellows Program.

Describe your background for us.

I have spent my professional career assessing how to balance and quantify the benefits and harms of free expression. I began as a journalist at Headline News in CNN’s early days. After attending Stanford Law and clerking on the U.S. Court of Appeals for the Ninth Circuit, I started my long association with the ACLU as the Southern California affiliate’s George Slaff Fellow in First Amendment Law. (My first client was shock jock Howard Stern!) As a litigator and tenured law professor, I have focused on legal and policy issues relating to free speech law, election law, and media law, including social media. I am

currently on a two-year leave of absence from Mitchell Hamline to translate theory into practice. Last year, I served as TikTok’s resident expert and team lead on global content moderation policies for misinformation, disinformation, conspiracy theories, election integrity, covert influence activity, and state-controlled media. This year, I am in the same position for Amazon Web Services. It has been challenging and exhilarating to convert my philosophical approach to free expression into scalable moderation policies for two of the world’s biggest players in online content – the home of the “new public square.”

How are you involved in the ACLU-MN?

I have served on the ACLU-MN’s Board in various capacities since I moved to Minnesota in 2001, ranging from affiliate affirmative action officer to my current position as a board representative to the Strategic Planning Committee. As a pro bono attorney, I have helped strategize, write, and edit legal briefs in several of the ACLU-MN’s groundbreaking free speech and election law cases. I am also the longtime faculty advisor to the Mitchell Hamline ACLU student chapter – the next generation of civil liberties advocates.

Why is it important to you to support the ACLU?

The ACLU has been on the front lines of nearly every major civil liberties battle in the U.S. for more than a century. Simply put, its mission is my own.

What cases have you worked on with the ACLU-MN?

Too many to count!

What case or issue that you’ve worked on with us is most important and why?

I can’t, and wouldn’t want to, rank the importance of the issues and cases on which I’ve worked; that’s like asking a parent to name their favorite child. Much of the litigation I’ve done with the ACLU-MN has centered on student speech rights, especially with regard to social media and outside of school. But I wouldn’t say that those cases are the “most important.” Rather, I’d say that I’ve been proud to see the ACLU-MN consistently take a lead in advocating for critical civil liberties as they’ve come under attack, pivoting as the targets have changed over time.

Please share a story about an important or moving moment.

It’s always moving and humbling to speak to clients at the conclusion of a case and hear how grateful they are that we helped them tell their story – regardless of whether they ultimately won or lost.

Where do you foresee ACLU-MN heading in the future?

I am honored to serve on the Strategic Planning Committee. Given recent events, I would predict that issues of racial justice, reproductive freedom, immigrant rights, LGBTQIA+ rights, criminal justice and police practices, voting rights, freedom of expression and religion, and privacy and technology will be among the topics we find most pressing.



Election poster by artist Leslie Barlow

ACLU-MN Archives

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