

# ACLU Minnesota CIVIL LIBERTIES NEWS

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# TOP 10 ACLU-MN VICTORIES 2021

## ACLU-MN CELEBRATES VICTORIES OF THE PAST YEAR

The ACLU of Minnesota fights for civil liberties throughout the state and across the issues that impact our lives. Celebrate with us as we reflect on our biggest victories of 2021 – all made possible because of you!

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# DESPITE A TOUGH YEAR, THERE ARE STILL SIGNS OF HOPE



Let's be frank: 2021 was a hard, hard year.

As the COVID-19 pandemic continues to rage on, it's easy to forget just how

many attacks on democracy and our rights occurred in 2021 alone. A small portion of the list would have to include:

- A coup attempt at the nation's Capitol that endangered our lawmakers and attempted to overturn the vote and will of the people.
- Ongoing attempts to cast doubt on election results with outright lies.
- At least 19 states rushing to introduce laws to make it harder for Americans to vote.
- Police continuing to kill people of color. Despite years of efforts, despite police vows of reform, law enforcement still killed 1,136 people in 2021, including Daunte Wright in Brooklyn Center.
- Nonstop attacks on reproductive rights. And so on. And so on.

As the Rev. Dr. Martin Luther King famously said, "The arc of the moral universe is long, but it bends toward justice." Over the past few years, that arc has felt incredibly long in Minneapolis, in Minnesota, and in America.

Nevertheless, the arc is bending. In Minnesota, for the first time in state history, juries convicted two white police officers of killing black men.

The ACLU-MN won a permanent injunction to stop law enforcement from attacking and arresting journalists; a monetary award, plus reforms to stop discrimination against transgender students;

a ban on facial recognition technology use in Minneapolis; and a ground-breaking resolution in Brooklyn Center that we'll monitor to make sure it expands public safety for all.

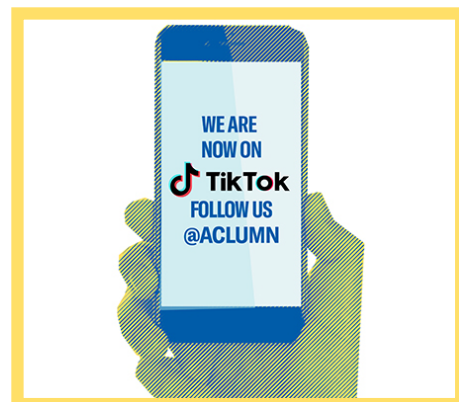
Despite a challenging year in the nation's only split legislature, we won important victories, notably reforms to systems that criminalize poverty including forfeiture, and fines and fees.

There are so many more signs of progress that you'll read about throughout this newsletter. They give us hope - and the energy to keep fighting for civil liberties for all.

That's not to say we're unrealistically optimistic: You can't do this work without being both an idealist and a pragmatic fighter. The attacks on civil liberties can feel like a constant barrage.

We keep going because we know the difference we can make when we all work and fight together, and we're just getting started. Thank you for joining us in the fight. ■

Benjamin J. Feist  
Interim Executive Director



## BROOKLYN CENTER VOTES TO IMPROVE PUBLIC SAFETY

The ACLU of Minnesota and national ACLU applauded the Brooklyn Center City Council for approving a groundbreaking budget resolution on Dec. 7 that's a big step toward improving public safety for all residents.

The amended budget will spend about \$1 million to begin the process of creating a new crisis response team, hiring a director of a new Department of Public Safety, studying traffic enforcement by civilians rather than armed police, gathering resident input to ensure the new department meets community needs, creating policies to implement this new direction in public safety, and funding community and youth programming.

"Budgeting for an expanded public safety system will allow the city to take into account the needs of the community and the very real substance abuse and mental health issues people face, rather than relying on an armed-police-only model that too often leads to over-policing and police violence against BIPOC people," said ACLU-MN Interim Executive Director Ben Feist.

The effort follows the police killing of Daunte Wright during a 2021 traffic stop, and of Kobe Dimock-Heisler in 2019 while he was experiencing a crisis. It's funded partly by freezing three vacant officer positions, and grants.

The ACLU and ACLU-Minnesota will keep watching to ensure the funding expands public safety for all.,

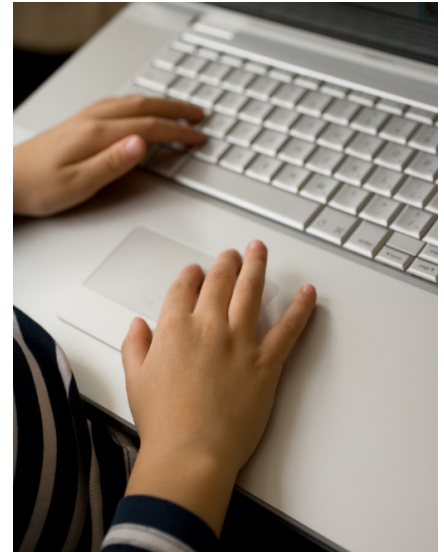
## IS YOUR SCHOOL SPYING ON YOU AND YOUR FAMILY?

If you have kids in school, your school is likely spying on you. It's a terrible reality that's been made worse by COVID as schools send devices home and rely increasingly on remote learning. We don't know exactly what info schools and tech companies are gathering on kids and their families or what they're doing with that info.

Thankfully, there's a way to find out, and that's where you come in. The ACLU-MN is looking for examples to show state lawmakers how serious this issue is so we can pass a Student Data Privacy Act that guards against these intrusions.

Just follow a few simple steps to discover what info your school is collecting, then share it with us. Schools and tech companies shouldn't violate our constitutional right to privacy just because the laws can't keep up with technology.

To find out more, check out this web page with all the info: "Is Your School Spying on You and Your Kids?" <https://www.aclu-mn.org/en/privacy-schools>.



## OFFICER CONVICTED OF KILLING DAUNTE WRIGHT

A jury found former Brooklyn Center police officer Kim Potter guilty of first- and second-degree manslaughter on Dec. 23 for killing Mr. Wright during a routine and unnecessary traffic stop.

It was only the second time a white police officer was held accountable for killing a Black man in Minnesota.

"While we can finally say Daunte Wright's name in conjunction with a moment of justice, let's be absolutely clear that achieving this outcome for Daunte Wright is only the first step," said Ben Feist, ACLU-MN interim executive director. "That a guilty verdict of this kind remains so rare shows the need for much greater accountability from police, and for an end to police violence and disparate treatment of Black and Brown communities."

Find the complete statement, made with the national ACLU, here: <https://www.aclu-mn.org/en/press-releases/potter-guiltyverdict>.



# TOP 10 ACLU-MN VICTORIES OF 2021

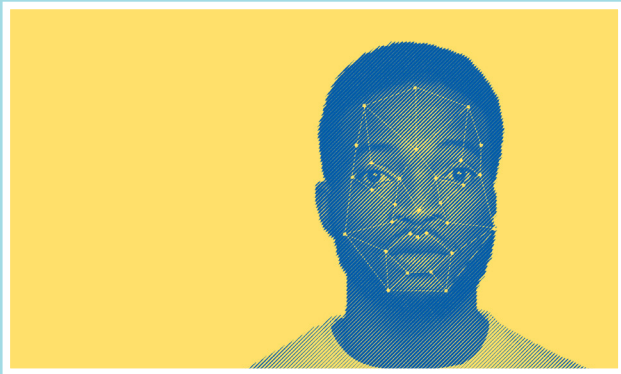
## VICTORY 1. PROTECTED IMMIGRANTS FROM WRONGFUL IMPRISONMENT

WE WON A VERDICT THAT FOUND A WOMAN WAS WRONGFULLY IMPRISONED WHEN ANOKA COUNTY HELD HER FOR ICE.

In the first virtual federal jury trial in Minnesota, we won a verdict finding Anoka County and its sheriff falsely imprisoned a foreign-born woman after a minor traffic incident. They slow-walked her booking and then released her to Immigration and Customs Enforcement. The Anoka County Sheriff had an unwritten and unconstitutional policy of contacting ICE about people born outside of the U.S.

## VICTORY 2. BANNED INDISCRIMINATE SURVEILLANCE BY MINNEAPOLIS POLICE OF EVERYDAY LIFE

PARTNERING WITH POSTME, WE WON A BAN ON FACIAL RECOGNITION TECHNOLOGY USE BY LAW ENFORCEMENT.



The ACLU-MN and the POSTME Coalition won passage of a ban on the use of facial recognition technology by police in Minneapolis. The tech allows the automated and indiscriminate surveillance of people simply living their daily lives. In February, the Minneapolis City Council voted unanimously to prohibit the use of this tech by law enforcement or any other city department.

## VICTORY 3. WON IMPORTANT LEGISLATION TO FIGHT THE CRIMINALIZATION OF POVERTY

WE HELPED END DRIVER'S LICENSE SUSPENSIONS FOR UNPAID, LOW-LEVEL TRAFFIC TICKETS.

Several of ACLU-MN's priority issues became law at the state Legislature this year, a result of years of hard work alongside a diverse coalition of advocates. We helped end driver's license suspensions for unpaid low-level traffic tickets, reformed how Minnesota courts assess fines and fees, and overhauled the state's civil asset forfeiture system, all important in starting to end the criminalization of poverty.

## VICTORY 4. WON PROTECTIONS — AND CONTINUE TO FIGHT — FOR FREEDOM OF THE PRESS

A JUDGE ORDERED STATE TROOPERS TO STOP ATTACKING THE PRESS, AS A PART OF OUR ONGOING LAWSUIT.



Our quest to end police attacks on and arrests of journalists, who were just doing their jobs covering protests, is going well. A federal judge granted an injunction that prohibits such misconduct by the Minnesota State Patrol and other law enforcement working with them while our class action lawsuit is ongoing. Since the police killings of George Floyd and Daunte Wright, law enforcement officers have shot journalists with projectiles, doused them in pepper spray, and arrested them for covering protests.

## VICTORY 5. WON A SETTLEMENT + REFORMS IN ROCK COUNTY

AFTER DEPUTIES ATTEMPTED A PUBLIC BODY-CAVITY SEARCH DURING A TRAFFIC STOP



The September settlement includes \$140,000 for the woman who underwent this traumatic attempted strip search, and reforms such as updated policies and training for proper dashcam usage and body searches, supervisory review of stops and arrests, a revised complaint process, and clearer definitions for searches.



# TOP 10 ACLU-MN VICTORIES OF 2021

**VICTORY 6.** WON TRANSGENDER STUDENTS THE RIGHT TO ACCESS SCHOOL FACILITIES  
WE WON NEW + EXPANDED PROTECTIONS FOR LGBTQ+ STUDENTS



The ACLU-MN partnered with Gender Justice to help set a new standard to protect LGBTQ students from discrimination. We won \$300,000 for an Anoka-Hennepin student, plus numerous reforms. The court ruling that led to the settlement means trans students can use the locker rooms that match their gender identity, and trans students will have the same access to programs and facilities as all students.

**VICTORY 7.** CONTINUED WORKING TO EXPAND PUBLIC SAFETY FOR ALL  
WORKING WITH BROOKLYN CENTER OFFICIALS, A RESOLUTION WAS CREATED AS A CRUCIAL FIRST STEP TOWARD IMPROVING PUBLIC SAFETY FOR EVERYONE.

The ACLU and ACLU-MN worked with Brooklyn Center officials to help create a groundbreaking resolution to expand public safety for every resident of the city. The amended budget that unanimously passed Dec. 6 will help fund a new crisis response team, hire a director of a newly created Department of Public Safety, fund community and youth programming, and more.

**VICTORY 8.** SAFEGUARDED THE RIGHT TO PUBLIC DEMONSTRATION IN MINNESOTA'S CAPITOL CITY  
WE FOUGHT THE CITY OF SAINT PAUL'S EFFORTS TO LIMIT PUBLIC DEMONSTRATIONS.

The ACLU-MN fought off a resolution in Saint Paul that would have limited public gatherings to only five people, ending any ability of citizens to come together for protest demonstrations. We worked with allies to push against this ordinance, and the city council withdrew the measure in March.

**VICTORY 9.** ARGUED AN APPEAL BEFORE THE MINNESOTA SUPREME COURT TO RESTORE VOTING RIGHTS  
WE ARE WORKING TO RESTORE VOTING RIGHTS FOR 53,000 MINNESOTANS ON FELONY PROBATION & PAROLE



The ACLU of Minnesota and national ACLU recently appealed to the state Supreme Court to challenge the disenfranchisement of more than 53,000 Minnesotans on felony probation, parole, or supervision. We think Minnesotans who are living, working, raising families, and paying taxes in the community should get to vote – not be barred from it!

**VICTORY 10.** MOBILIZED VOLUNTEERS FOR MORE THAN 1,000 HOURS OF SERVICE!  
IN 2021, ACLU-MN VOLUNTEERS LOGGED A TOTAL OF 1,060 HOURS!



We couldn't have done any of the above without our wonderful volunteers. ACLU-MN volunteers logged 1,060 hours in 2021 alone! Primary to our volunteer efforts were supporting public safety in Minneapolis and fighting to restore the vote to 53,000 disenfranchised Minnesotans. Thanks to all our members and volunteers who supported our work!

## ACLU-MN ARGUES MAJOR VOTING RIGHTS CASE BEFORE MINNESOTA SUPREME COURT



We believe that Minnesotans who live, work, pay taxes, and thrive in their communities should get to vote, and we brought that belief to the Minnesota Supreme Court.

On Dec. 1, 2021, the ACLU-MN and national ACLU argued a major voting rights case before the court. More than 53,000 Minnesotans are prohibited from voting while on probation, parole, or supervision for a felony conviction, and we asked the court to restore this most basic right of citizenship.

The case, *Schroeder v. Minnesota Secretary of State*, was first brought to Ramsey County District Court in 2019. Our lead plaintiff, Jen Schroeder, was sentenced to 40 years of probation for a drug possession charge while struggling with addiction. She became a drug and addiction counselor, and is now a stay-at-home mom. Yet state law bars Schroeder from voting again until she is 71.

Her story shows the “extreme arbitrary nature” of felony convictions, said Craig Coleman, a partner with Faegre Drinker who’s bono counsel on the case. And this practice of disenfranchisement has significant racial impacts. “These facts are undisputed. Disenfranchisement disproportionately disadvantages persons of color,” he said.

Despite comprising 4% of our state’s population, Black people account for 20% of disenfranchised voters. Those terrible disparities persist for American Indian and Latinx communities as well.

“It’s fundamentally wrong that people of color and Indigenous people are still disproportionately denied the right to vote,” said ACLU-MN staff attorney

David McKinney. “Any law that produces such disparities is not just, and should not be upheld by our courts.”

The racial disparities in the law are acknowledged by both sides, and according to Coleman, they violate the Minnesota Constitution’s guarantee of equal protection: “The current system treats people who are on probation and living in the community as unequal to their neighbors for no rational reason.”

Justice Paul C. Thissen equated felony-voting disenfranchisement to poll taxes and literacy tests, saying there was virtually no difference in the impact as they were also neutral on their face, but produced stark racial disparities.

Arguing on behalf of the Secretary of State,



Assistant Attorney General Angela Behrens did not dispute our public safety argument or these racial disparities. Instead, Behrens argued that it is the Legislature’s job to fix this problem.

But Coleman argued that voting shouldn’t be used as punishment. The goal of our system is rehabilitation, and barring people from voting only undermines that goal.

Justice Natalie Hudson pointed to the “overwhelming evidence” that disenfranchisement does not aid rehabilitation. “If you want to rehabilitate folks,” she said, “get them reengaged in the community again. And voting is a huge part of that.” ■



## REMEMBERING PETER DORSEY

Former Minnesota Civil Liberties Union President and longtime ACLU of Minnesota member and donor Peter Dorsey died on Sept. 12. He was 99.

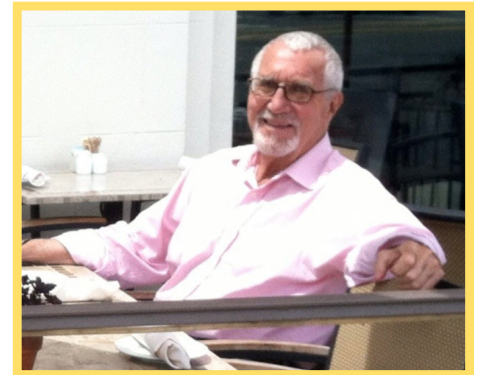
Dorsey was an early and crucial part of the history of the ACLU of Minnesota. He was a member of the MCLU Board of Directors in the 1960s, serving as president from 1964-1966. This was a period of great change in the organization, Dorsey explained in 1973, when MCLU moved from being “in line with the current establishment to becoming more activist.”

Under Dorsey’s leadership, in 1964-65, the MCLU provided volunteer lawyers to represent every individual questioned during the trials conducted by the House Un-American Activities Committee in Minneapolis. Minnesota was the only state in the U.S. to offer this comprehensive representation.

Dorsey was instrumental in creating the Legal Rights Center, which became an integral part of the legal community in Minnesota, and continues to provide client-centered, culturally sensitive, community-based legal counsel to people of color.

Beyond his connections to the ACLU-MN, Dorsey lived a storied and accomplished life. He served in World War II, leaving his undergraduate studies at Harvard to enlist in 1942. In 1949, after finishing his law degree, he returned to Minnesota and joined the firm his father helped establish, Dorsey & Whitney, where he would work until 1993.

Peter Dorsey received the ACLU-MN’s prestigious Earl Larson Award in 1998 for his lifelong commitment to justice and civil liberties.



## REMEMBERING FRED PRITZKER



Fred Pritzker, a dedicated ACLU-MN supporter, foundation board member and impressive trial lawyer, died Jan. 10. He was 71.

Pritzker was known for his compassion and excellence in representing the “little guy,” the victims of food-borne illness, defective medical devices, explosions and more. He didn’t resign from the ACLU-MN Foundation Board until the last days of his illness.

As founding partner of Pritzker Hageman, P.A., his work was informed by the experience of having a son who lives with Angelman syndrome.

ACLU-MN Philanthropy Director Molly Miller Mons says she connected with Pritzker over how to care for people with disabilities as they age and grow out of systems of support.

“It shaped how he dealt with his clients,” she said. “He knew the impact severe injuries had on his clients and he could see how that changed their lives. He was an incredibly kind, caring and empathetic person.”

Attorney Bill Pentelovitch – who has chaired both the ACLU-MN and ACLU-MN Foundation Boards – had known Pritzker for 55 years. Pentelovitch called Pritzker a generous contributor and an active part of revitalizing the Foundation Board.

He said Pritzker was so kind, he lived up to the phrase “peach of a guy.”

“Having a son with a significant disability, I think really attracted him to civil liberties,” Pentelovitch said. “He was a champion of the little guy.”

Pritzker is survived by his wife and two children.

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## SUPPORT OUR WORK

It was a busy year for the ACLU of Minnesota, and there is no sign our work will let up in 2022. There are many ways you can support the fight to protect and promote civil liberties for all.

Donate at <https://www.aclu-mn.org/en/join-donate-or-both>.

Without you, there is no ACLU-MN!



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