

ACLU Minnesota CIVIL LIBERTIES NEWS

INSIDE THIS ISSUE

PG 2 On Democracy
PG 4 Our Top 10 List
PG 6 MN Legislature
PG 7 How To Give
PG 8 Save The Date

*To a new year of liberty and justice
for all*



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American Civil Liberties Union of Minnesota Foundation

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EXECUTIVE DIRECTOR'S CORNER
YOU SAVED OUR DEMOCRACY

As we look back on 2022, there is room for both anger and gratitude.

Following the coup attempt and a year of lies about a stolen election, our democracy was fragile. The surge of anti-democratic forces moved from the Capitol steps to every state, threatening our electoral institutions and the very fabric of democratic integrity that so many people fought for since this nation’s inception.



At the same time, the U.S. Supreme Court – aka SCOTUS – stripped the federal constitutional right of women and people who become pregnant to control their own bodies. SCOTUS targeted other fundamental values and liberties, including separation of church and state in public schools, the sovereignty of Native Americans, and Miranda warnings.

We know we can expect terrible attacks on our civil liberties from this deeply partisan SCOTUS bench for decades to come. Justice Clarence Thomas provided a roadmap to what he expects is next for contraception, LGBTQ+ sexual intimacy, and same-sex marriage in his *Dobbs* concurring opinion:

“In future cases, we should reconsider all of this Court’s substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*,” Thomas wrote.

In the next term, SCOTUS will issue precedential decisions on:

- Affirmative action and the ability of universities to consider race as one factor in a holistic admissions process;
- The power of state legislatures to override voters during presidential elections, and the power of state supreme courts to review gerrymandered congressional districts and other voting rules;
- The right of same-sex couples to access goods and services, in this case whether a Colorado web designer can discriminate against gay people;
- And protections for native children who have been subjected to a long history of horrific policies that saw them taken from their communities and isolated from their identities and culture.

This is a dangerous inflection point. Make no mistake. The Supreme Court has changed the playing field and moved the goalposts in drastic ways that require us to pivot and adapt.

This new reality in the struggle for justice makes local elections and statewide efforts to promote ACLU values ever more critical.

The ACLU-MN has led the efforts to adapt to this new frontier, rethinking our strategies, taking stock of lessons from the ACLU’s legacy, building powerful coalitions of diverse stakeholders, and taking the fight across the state.

Thanks to the support of wonderful donors and volunteers like you, this election season, the ACLU-MN educated voters about the views of Secretary of State candidates and lifted ACLU values across the board. Together, we helped voters understand the importance of filling out the entire ballot, from governor down to school board. We reached out to communities in southern Minnesota to explain voting rights and register new voters. And we helped train a team of more than 250 volunteers to monitor outside polling places on Election Day.

Our work together is paying off - the movement to protect civil liberties is growing.

As odious as the summer’s Supreme Court rulings were, they fueled the outrage that drove voters to the polls. And it’s voters like you who saved our democracy. You set the playing field to protect and expand the civil liberties of all Minnesotans. With a pro-choice governor, state house and senate in power in Minnesota next year, we have an unprecedented moment to protect our reproductive rights. The state House already is vowing to codify the constitutional right to abortion in state law in 2023.

Now is the time to act.

Voting was the crucial first step. The attacks on our rights will continue, fast and furious. The ACLU-MN has taken a necessary moment to reflect on the powerful and inspiring victories that have been achieved, and now we are ready for the next stage. Our upcoming efforts at the statehouse and in the courthouse will be critical.

Watch ACLU-MN social media and email for information as we unveil our 2023 legislative agenda, which will include efforts to strengthen and protect reproductive, voting, and immigrant rights, as well as focus on reforms to policing and our criminal legal system. We’ll share how you can join the fight by calling, writing, and visiting lawmakers to press them to protect and promote our rights.

Another step you can take to protect democracy is to donate to the ACLU-MN. Your support allows us to keep fighting at the Capitol, in the courts, and on the streets.

The ACLU-MN just celebrated our 70th birthday, and we’re ready to fight for 70 years more.

Together, we can save democracy, now and into the future. We can save the right to control our own bodies, to marry who we love, to preserve our families.

We have the power. It’s up to us.

Deepinder Singh Mayell
Executive Director

TOP 10 ACHIEVEMENTS OF 2022



1 Settlement over MPD's mistreatment of protesters after George Floyd's murder results in reforms.

Minnesotans who marched to peacefully protest the police murder of George Floyd were met with more police violence. Police teargassed, pepper-sprayed and shot protesters with foam bullets and flashbangs to intimidate them and attempt to quash protests.

In an important victory for the First Amendment, in a settlement with Minneapolis, the ACLU-MN won \$600,000 for protesters and crucial reforms designed to prevent future attacks.

"It's our hope that the case will result in greater protection for protesters and fewer incidents of harm and bodily injury," said plaintiff Nekima Levy Armstrong.

2 Organizing new Americans, college students and historically disenfranchised people to turn out to vote.

3 Passing the Student Data Privacy Act, which protects students from surveillance by their public schools and big tech.

4 Settlement that overhauls a discriminatory housing policy in Faribault.

Thelma Jones thought she'd found the perfect home for herself and her family. She hosted BBQs and watched joyfully as her grandchildren played in the backyard. Then police forced the property owner to evict her under an unconstitutional ordinance that encouraged landlords to discriminate and limit rental housing opportunities for immigrants and people of color. Thelma's family ended up scattered across the Twin Cities.

The ACLU-MN settled the lawsuit against Faribault, winning \$685,000 for our plaintiffs and a complete overhaul of the rental housing ordinance. The reforms should provide a model to strike down similar programs across the U.S.

"While I can never replace the togetherness my family lost, I hope this settlement prevents discrimination like this from happening to other Black families," Thelma said.



5 Organizing Minnesotans around the state to mourn, protest, and activate following the overturning of *Roe v. Wade*.

6 Safeguarding safe and fair elections by providing information about the Minnesota Secretary of State race.

7 Winning money and reforms from Robbinsdale police, making it easier for others to film police.

Amy Koopman saw police had pulled over two Black men, and stopped to record to help keep the men safe and hold police accountable. Then she was charged herself for recording police. The ACLU-MN helped Amy win money and reforms from Robbinsdale police. Her case should make it easier for others to film police.

"I hope this puts other police departments on notice that there are citizens who are filming them, holding them to account, and who will fight them for as long as it takes to ensure that people's rights are upheld," Amy said.



8 Winning a settlement for two teenage sisters mistreated at the border by CBP.

Two teen sisters who crossed at the border ended up in CBP custody, and what followed was a nightmare. They were deprived of adequate food, water and medication. They had to sleep in cages, compete with other children for food, and were physically assaulted.

The ACLU-MN reached an \$80,000 settlement with the federal government on their behalf.

"We hope that the lawsuit and sharing our story changes how the government treats children who are coming to America," said older sister Kerlin Sanchez Villalobos. "I don't want any other kid to be treated the way we were."

9 Protecting freedom of the press through winning a settlement for journalists attacked by Minnesota State Patrol during protests.

When journalists came to cover the protests following George Floyd's murder, the media found themselves under unprecedented attack by police. Law enforcement used foam bullets, teargas, and unlawful arrests to intimidate reporters. When police killed Daunte Wright, law enforcement attacks on media started again.

The ACLU-MN won an \$825K lawsuit settlement with Minnesota State Patrol for injured reporters. It includes crucial reforms designed to stop troopers from attacking journalists who are just doing their jobs. We are still fighting our case to hold MPD and others accountable for their attacks on media.

10 Volunteers donating more than 2,700 hours in a single year! The ACLU-MN's wonderful volunteers did everything from election protection, to calling lawmakers, to marshalling at protests to protect and promote our rights. None of this crucial work happens without you.



2023 MN LEGISLATIVE SESSION PRESENTS OPPORTUNITIES FOR CHANGE

When the Minnesota Legislature starts its session on January 3, the ACLU-MN’s legislative team will be there ready to go with a critical policy agenda.

This session starts with a significant budget surplus and a lot of work to do. Unlike the previous eight years of divided state government, Minnesota now has a DFL trifecta: A single party controls the state house, senate and governor’s office. Layered on top of this state environment is a deeply partisan United States Supreme Court that could strip civil liberties dramatically each term.

Going into this unique session, the ACLU-MN is prepared to advocate for an aggressive policy agenda, focusing on strategic priorities such as reproductive freedom, voting rights, policing and criminal legal reform, and immigrant rights.

We anticipate that our 2023 legislative agenda will include:

• **Reproductive Freedom**

After the *Dobbs* decision, it is clear that Minnesota needs to strengthen and clarify the constitutional right to abortion in our state. We will work in coalition with other reproductive freedom partners and stakeholders to ensure that Minnesotans retain the right to abortion.

• **Voting Rights Restoration**

As we await the Minnesota Supreme Court’s decision in *Schroeder v. Simon*, we will continue to seek statutory changes to restore the right to vote for people on felony probation or parole who are now living in the community, raising families, and paying taxes.

• **Legalization of Cannabis for Adults**

We will continue supporting legalization that properly regulates the sale and use of cannabis, and also addresses the failed War on Drugs’ disproportionate impact on communities of color. Legislation should include strong provisions for record expungement.

• **Gross Misdemeanor Sentencing Reform**

We are leading an effort to reduce the maximum sentence for a gross misdemeanor in Minnesota by one day. The federal government treats a 365-day sentence as a felony, even if it’s a gross misdemeanor in Minnesota, and that inconsistency can have terrible consequences, including an unfair and devastating deportation pipeline. Reducing the gross misdemeanor sentence by just one day would have a dramatic impact on the lives of many immigrants in Minnesota.

• **State Civil Rights Claims**

It is currently very difficult to sue government officials, including police, for violations of constitutional rights due to the federal doctrine of qualified immunity. We will support efforts to allow Minnesotans to sue state government entities for violations of people’s rights under the state Constitution.



BECOME A PART OF SOMETHING BIGGER THIS SEASON

At this time of year, the holiday spirit moves people to do much of their annual giving. And it’s a crucial time for the ACLU-MN to raise the money that will help us move confidently and powerfully into the new year.

As we face growing threats to democracy, an extremist U.S. Supreme Court, and the loss of our federal right to abortion, our collective efforts are more urgent than ever.

At critical moments in the past, you’ve helped the ACLU-MN defend civil liberties, from protecting journalists and protesters from attacks by police and fighting for immigrant rights to ending discriminatory housing policies and expanding voting rights. We’re asking for your support again.

With your year-end donation, you can help advance crucial, time-sensitive work that will affect the future of civil liberties in Minnesota and across the nation.

By giving to the ACLU-MN, you become part of something bigger than yourself — a community that collectively defends the civil liberties of all Minnesotans.

If you act before December 31, your donation will be matched dollar for dollar up to \$10,000, thanks to a generous donor.

GIVE ONLINE

Support our legal and organizational work by making a tax-deductible gift online. You can give via credit card – or download forms to mail – at www.aclu-mn.org/donate.

GIVE VIA MAIL

Make your tax-deductible gift to the ACLU of Minnesota Foundation using the enclosed envelope.

MAKE A GIFT THROUGH YOUR IRA

If you are 70 ½ or older, you can give a gift directly from your IRA to support the work of the ACLU of Minnesota Foundation, without it being counted as taxable income. www.aclu-mn.org/donate.

STOCK GIFTS

You can make a tax-deductible gift of securities to our Foundation. Find details at www.aclu-mn.org/donate.

MAKE A GIFT IN HONOR OR MEMORY OF SOMEONE

A tribute gift to the ACLU of Minnesota Foundation is a meaningful way to honor someone special this time of year, while helping to protect civil liberties and rights across our state and nation.

Questions on giving? Please contact Director of Philanthropy Molly Miller Mons to donate, get forms, or get more information about any of our giving options at: mmiller@aclu-mn.org or 651-529-1696.

REMEMBERING ALAIN BAUDRY

The ACLU-MN is sad to note the passing of an attorney who did so much to protect civil liberties. Alain Baudry of Saul Ewing LLP died in late October. He was a pro bono attorney on a number of ACLU-MN cases, and most recently was instrumental in winning victory for client Myriam Parada, who was arrested and jailed for more than six hours and then turned over to ICE. The federal appeals court found that Anoka County’s policy of subjecting foreign-born people to additional booking procedures for ICE was unconstitutional.

Former ACLU-MN Board Member Tom Kayser died Nov. 15. Please check the next newsletter for a full tribute to him.

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Civil Liberties News
Newsletter of the American Civil Liberties Union of MN Foundation

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SAVE THE DATE

JANUARY 3, 2023
LEGISLATIVE SESSION BEGINS

MARCH 29, 2023
LOBBY DAY

STAY CONNECTED



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