

THE ACLU OF MINNESOTA

THE GUARDIAN OF LIBERTY



ANNUAL REPORT 2006-2007





The ACLU of Minnesota expanded its efforts to protect and defend our civil liberties this past year and we continue to work toward major events in the future.

The Greater Minnesota Racial Justice Project, our public education program in Northwestern Minnesota continues for its third year. We conducted workshops explaining the judicial process, registered voters and established court monitors in every court in the seven county area. While we have made significant progress, much more work needs to be done.

Our legal work expanded last year as it has expanded every year for the past decade. We received more than 100 letters each month requesting our help. That number is almost three times the number of requests we received in 1996. The ACLU-MN and its volunteer attorneys from the Robins, Kaplan, Miller, and Ciresi law firm led by Thomas Kayser, won three victories in the S.A.G.E. vs Osseo case last year. We anticipate that S.A.G.E. (Straights and Gays for Equality) will shortly be able to advertise their meetings and programs along with all the other student groups in Maple Grove High School. Attorney Howard Bass won three decisions, including one from the Minnesota Supreme Court, in the ACLU’s photo cop case. 24,000 Minnesotans who were ticketed by this illegal Minneapolis program were helped by our work.

The ACLU-MN also began work to ensure that everyone who wants to demonstrate at the Republic National Convention (Labor Day 2008) will be able to safely express their political views. Volunteer Attorneys Jeffrey Keyes, Briggs and Morgan, and Todd Noteboom, Leonard Street and Deinard, recruited a working group of attorneys that includes: Bill Stoeri and Bricker Lavik, Dorsey & Whitney LLP; David Potter, Oppenheimer, Wolff & Donnelly LLP; Laura Hein ,Gray Plant Mooty; John Lundquist, Fredrikson & Byron PA; Robert Hennessey, Lindquist & Vennum PLLP; Tom Fraser, Fredrikson & Byron PA; and Bill Pentelovitch, Maslon Edelman Borman & Brand, LLP. The working group meets monthly and has advised the cities of Minneapolis and St. Paul on actions these cities could take that would support both the constitutional rights of the demonstrators as well as the constitutional rights of the delegates. We are also preparing to litigate when necessary to protect the speech rights of demonstrators. Charles Samuelson and Legal Counsel Teresa Nelson work closely with both St. Paul and Minneapolis on RNC issues.

We thank our many donors and our many volunteers who helped make this year as successful as it has been. We look forward to an active 2007/2008 and hope you will continue to support our efforts to preserve and protect the rights established in the constitution.

Sincerely,

Therese Marso,
President



Charles Samuelson,
Executive Director



April 2006—March 2007 at a glance

ACLU-MN member count.....	10,500
Legal inquiries processed.....	1,300
Cases in litigation.....	12
Volunteer attorneys.....	36
Volunteers and interns	43
Media engagements.....	90
Speaking engagement.....	55

Greater Minnesota Racial Justice Project

The Greater Minnesota Racial Justice Project's mission is to provide public education regarding racial justice issues through community outreach, complaint intake and court monitoring. We serve all people in Northwestern Minnesota with a special focus on our Native American communities.

2006-07 was an active year for GMRJP in the public education arena. For starters, as part of a community outreach initiative, GMRJP teamed up with the White Earth Land Recovery Project to sponsor its first annual **Northern Minnesota Indigenous Film Festival** on April 7 & 8. In addition to a presentation featuring songwriters, Annie Humphrey and Klee Benally, fifteen features, short and documentary films were showcased at 3 locations in Bemidji. The goal of this inspired event was to instill and educate cultural awareness among the public.

In the summer of 2006, GMRJP held a workshop, **Affairs of the Court**, to explain the procedures of the judicial system, lead by lawyers Tim Fayer (Beltrami County Attorney) and Tim Aldrich (Anishinabe Legal Services). The workshop was in collaboration with the Sexual Assault Program of Beltrami, Hubbard & Cass Counties and Northwood's Coalition for Battered Women. GMRJP also promoted a **Get Out the Vote** non-partisan potluck and **Honor the Vote** picnic. GOTV advocated voter education initiatives, while HTV encouraged voter registration in Native American Communities. Lastly, GMRJP partnered with the Department of Residential Life at Bemidji State University to offer a community service day. There was an 80-person turnout with people volunteering to serve lunch at the People's Church for the homeless, while others spread voter education materials in neighborhoods, or built a garden shed for the Community Garden Project.

In Fall '06, GMRJP sponsored a **Voter Education Social Dance/Informal Pow Wow** with four Native American Tribes. Additionally, in cooperation with

Witness for Peace, we supported a lecture **The Roots of Migration**. Held at Bemidji State University, the keynote speaker was Jesus Leon de los Santos from Oaxaca, Mexico, who discussed the affects of NAFTA. A Candidates Forum was also organized at Northwest Technical College as part of the voter education initiative. Attended by 100 people, local and regional candidates spoke on social issues like priorities as an elected official, racial justice in our communities, violence against women and educational access.



GMRJP Annual Picnic

One of the controversial local economic issues that GMRJP became aware of was the proposed Bemidji Events Center Arena. Economically-challenged citizens were kept out of the planning discussions. ACLU sponsored a *free-speech* forum that allowed average citizens to voice their concerns. GMRJP, in association with **Organizing Apprenticeship Project** of Minneapolis, worked with intern Daniel Curry to expand public education initiatives in Itasca County.

All the GMRJP events listed here are but a small part of what the organization has accomplished since its inception in May 2004 in Bemidji. On a daily basis, the Audrey Thayer, the GMRJP Coordinator contacts individuals, organizations, and courtrooms, at five colleges and attends meetings within the seven county areas. On the state level, Audrey has been involved with non-partisan organizations in attendance and speaking engagements addressing racial justice. In January 2007, the coordinator participated as a speaker for the **Solidarity of Venezuela** in Minneapolis, has participated actively on state boards that have involved native youth, the organization Midwest Witness For Peace, Anishinabe Arts Council, Northwood's Coalition for Battered Woman, Bemidji Parks and Recreation Commission and the Bemidji Indian Center.

To ensure that the public and community are constantly aware and involved, GMRJP ensures that op-eds are regularly submitted to local papers and educational community events are hosted. They often speak in schools and do presentations on their projects as well.

Gay & Lesbian Rights

SAGE vs. Maple Grove Sr. High

It all started when one student noticed disparities in treatment between her after-school group, **Straights and Gays for Equality (SAGE)**, and other after-school groups. The student filed an initial complaint in 2002, which resulted in ACLU-MN writing a letter of complaint to the school. The school refused to change its policy. The student graduated and two brave SAGE members stepped forward to take on a lawsuit against their school. These two faced harassment by other students, including derogatory name-calling against

GLBT persons. The school did nothing. They also noticed they were repeatedly denied access to opportunities, such as advertising their meeting times over the PA system or using the video system that other groups had access to.

On April 4th, 2006, the Federal District Court granted an injunction in favor of the students that granted them equal access until the court case goes to trial. We are currently preparing for the trial, which will likely be held in August 2007.

Volunteer Attorneys: Tom Kayser, David Pinto, Michael Okerlund and Genevieve Zimmerman from Robins Kaplan Miller & Ciresi LLP



A SAGE sign at Maple Grove Sr. High

Due Process



Stop on red camera

State of Minnesota vs. Kuhlman/Photo Cop

In 2005, ACLU-MN filed a motion seeking the court's legal opinion on the validity of the use of cameras to catch red light violations in Minneapolis. We challenged the ordinance as it imposes liability on the vehicle owner, rather than the actual driver. In the brief, we argued that in Minnesota's petty misdemeanor prosecutions, the prosecutor has the burden of proof to show that an individual is guilty beyond a reasonable doubt. The Minneapolis ordinance relieves the prosecutor from the burden to prove that the owner is actually the driver of the vehicle that was photographed going through the red light. In March 2006, Hennepin County District Court Judge, Mark Wernick, agreed with our position and invalidated the ordinance. The city of Minneapolis appealed, and both the Minnesota Court of Appeals and the Minnesota Supreme Court upheld the District Court's decision.

Volunteer Attorney: Howard Bass, Bass Law Firm, PLLC

Racial Justice

State vs. Jones

In March 2007, ACLU-MN submitted an *amicus curiae* (friend-of-the-court) brief to the Minnesota Court of Appeals in support of a criminal defendant who was charged with a third-degree sale of a controlled substance crime. We argued that the statute is unconstitutional as it punishes the exact same conduct as fourth-degree sale of a controlled substance, but prescribes a harsher penalty.

Volunteer Attorney: Jeffrey Keyes, Briggs & Morgan

Meads vs. Best Oil Co.

In June 2006, ACLU-MN submitted an *amicus curiae* brief to the Minnesota Court of Appeals on behalf of the plaintiff in an employment discrimination lawsuit. Charles Meads, an African American, sued Best Oil Co. when he was passed over for employment in favor of two less-experienced white applicants. After the lawsuit was filed, the defendant learned that Mr. Meads had a ten-year-old criminal conviction on his record. They tried to escape liability by arguing that his conviction would have made him ineligible for the job even though they were unaware of it when they made their discriminatory hiring decision. After a series of petitions and repeals, the case is slated to go to trial soon.



Bonita Rhodes Berg

Berg vs. DEA

In 2001, Bonita Rhodes Berg was stopped at the airport while returning to Minnesota from Los Angeles. Two DEA officials said they were stopping her because they were checking for drugs or laundered money. The officers told her that her bag looked heavy. Ms. Rhodes Berg, an African American woman, told the officers that she believed she was being racially profiled and that they did not have a right to stop her. They asked for her driver's license and ticket, and they told her they wanted to search her carry-on luggage. All they found in the search was a Bible, some clothes and makeup. Ms. Rhodes Berg then contacted attorneys who filed a lawsuit with the help of the ACLU-MN. Since the filing, the DEA has tried numerous times to have the lawsuit dismissed arguing that there was no basis for the ACLU-MN's claims. Their attempts failed and

we were able to obtain important information to support their case. The case is being prepared for trial and the parties are discussing possible ways to settle the case before trial.

Volunteer Attorneys: Timothy Branson, Dorsey & Whitney, and Albert Goins, Goins Law Office

Privacy

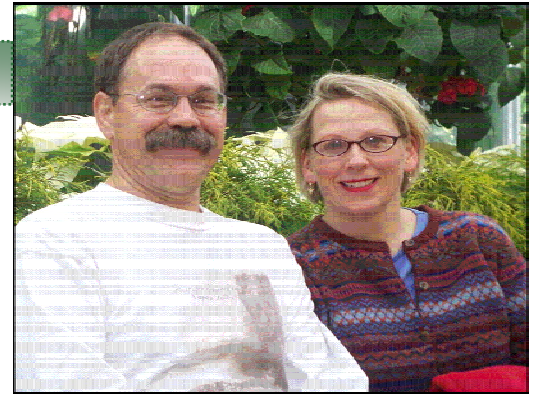
Fjellman vs. Commissioner of Health

LaRae Lundeen Fjellman has been a massage therapist for 18 years. In October 2000, Kirk Fjellman became her client. He remained a client until April 2002. In August 2002, they began dating, fell in love and married shortly thereafter.

In 2004, the Department of Health began investigating Mrs. Lundeen Fjellman and threatened her with discipline for entering into a personal relationship with and marrying a former client within two years of ending their professional relationship. Among other things, the department had initially ordered Mrs. Lundeen Fjellman not to have sex with any 'former client' and to pay a civil penalty.

In February 2007, the department reversed course and rescinded its order for discipline against Mrs. Fjellman. The revised order was filed just days before the ACLU-MN was set to appeal to the department's disciplinary order.

Volunteer Attorneys: Robin Wolpert, Mark Johnson, Greene Espel, PLLP



LaRae and Kirk Fjellman

Youth Rights

The name of this case has been redacted for privacy reasons

ACLU-MN volunteer attorney Jordan Kushner was successful in his free speech appeal on behalf of a seventh-grader who was adjudicated a petty offender for drawing a cartoon with violent themes. We challenged the adjudication because there was insufficient evidence to suggest that the pure speech of the cartoon constituted disorderly conduct prohibited by law. We also argued that the cartoon constituted protected speech for which he cannot be punished. The Minnesota Supreme Court has held that, as applied to pure speech, Minnesota's Disorderly Conduct law may only be applied to unprotected speech such as fighting words.

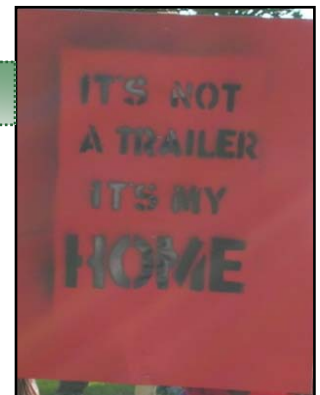
Volunteer Attorney: Jordan Kushner, Kushner Law Office

Free Speech

All Parks Alliance for Change vs. Uniprop

Organizers for **All Parks Alliance for Change** were prohibited from distributing information that educated park residents about their rights. The ACLU-MN took the position that Minnesotans, living in manufactured home parks, had the right to free speech. We also pointed out the implication of the rules on groups wishing to spread their message to residents, including political canvassers and charitable groups.

Volunteer Attorneys: Elizabeth Melton, Aliana McIntosh, Foley & Mansfield, PLLP



APAC Demonstration Sign

What one letter can do...

ACLU-MN rarely files a lawsuit without first trying to resolve the conflict through informal advocacy. We are often able to protect constitutional rights in this way.

ACLU-MN advocated on behalf of a female prison inmate who accidentally lost her dentures. After losing her dentures, she was denied the ability to obtain a new pair and went for several years without them. Despite suffering from a number of ailments due to her inability to properly chew her food, the facility would only place her on a 'waiting list' for the dentures. We sent letters to the facility reminding them of their Eighth Amendment obligation to address the serious medical needs of inmates and asked them to address the dental needs of this inmate. After our correspondence and some follow up, we were informed that they had begun the process of providing the inmate with the dentures that she desperately needed.

Gearing up for the Republican National Convention in 2008

ACLU-MN has brought together a group of attorneys who have been preparing for the RNC, which will be held in St. Paul in 2008. Together, they have been doing research and planning to ensure that everyone's First Amendment rights are protected. The attorneys working on this matter are: Jeffrey Keyes - Briggs and Morgan; Bill Stoeri and Bricker Lavik - Dorsey & Whitney LLP; David Potter - Oppenheimer, Wolff & Donnelly LLP; Laura Hein - Gray Plant Mooty; John Lundquist - Fredrikson & Byron PA; Robert Hennessey - Lindquist & Vennum PLLP; Todd Noteboom - Leonard Street & Deinard; Tom Fraser - Fredrikson & Byron PA; and Bill Pentelovitch - Maslon Edelman Borman & Brand, LLP.



Minnesota State Capitol

Legislative Update

Of the approximately 200 bills we tracked, 43 percent were favorable to civil liberties, 37 percent were negative towards civil liberties and 20 percent were neutral, but had the potential to escalate into amendments or hearings where civil liberties could be at risk. The neutral category also included omnibus bills. Of these bills, 25 became law, either independently, or as part of an omnibus bill. Of these, 14 were good, 6 were bad and 5 were neutral.

We testified a handful of times at the Capitol — once in reaction to a bill making seat belt violations a primary offense, another against the photo cop legislation (which died), and a third time in support of rejecting the 'Real ID Act. We believed that this piece of legislation would likely result in increased incidences of racial profiling, magnifying the racial disparities that already exist in our criminal justice system. That bill was defeated.

Earl Larson Award

Every year, ACLU-MN honors an attorney with the Earl Larson Award. The Award, named for the late Judge Earl Larson, founder of the MN Civil Liberties Union, is presented to a lawyer who has demonstrated a life-long commitment to civil liberties. In November 2006, Michael Goldner was the honored recipient of the 10th Annual Earl Larson Award.

As President of the ACLU-MN Board of Directors, Goldner reintroduced the organization to the Twin Cities legal community, increased its funding, expanded its legal program and implemented a series of governance reforms that has lead the organization into the 21st century as a strong force for civil liberties and government accountability. As current chair of the ACLU-MN Foundation Board, Goldner has continued his work of strengthening and expanding the organization.

In addition to his services on the ACLU-MN and ACLU-MN Foundation Boards, he has served on numerous community boards including, the Guthrie Theater Foundation, the Saint Paul Port Authority, the Saint Paul Riverfront Corporation, the Saint Paul Chamber Orchestra, the Minneapolis Club, the Blake School and Washburn Child Guidance Center.



Charles Samuelson, Van Hawn, Michael Goldner and Susan Jacobson at the 2006 Earl Larson Award

Public Education

Educating and engaging the public is key to the mission of the ACLU-MN. By providing schools with educational materials, speaking in public on civil liberties, and mobilizing individuals to advocate for their rights the ACLU-MN is able to further its goal of educating Minnesotans.



Women's Health Supporters Rally in South Dakota

In November 2006, we were called to action in South Dakota to join in the fight to protect women's health. The South Dakota legislature had banned abortion and it was now up to the voters to repeal the ban. So ACLU-MN joined forces with people from across the country to educate voters and help repeal the ban.

Here is an account from one rider Molly Miller: I along with 15 other ACLU'ers traveled to South Dakota, the weekend before the elections, to help the **Campaign for Healthy Families** Get Out the Vote and repeal the abortion ban. Our group met up with about 150 other volunteers from across the country (even Canada), male and female, from all generations, who were there for one reason — To participate in a fight that would affect the future of reproductive rights in America. We door-knocked, phone-banked and had an incredible visibility event. Altogether, we knocked on over 10,000 doors in the two days we were there. That was more than the campaign had knocked on in a month.

We were well received for the most part, but we still had our share of strange experiences; from a man with no pants, to being followed on a bike, to children chanting horrible slanders at us. We didn't let that get us down, because it feels incredible to know that our efforts helped contribute to the momentous occasion — South Dakota Voting No on Referred Law 6 and appealing the restrictive abortion ban. Thank you to Campaign for Healthy Families and all who joined us!

In October, the ACLU-MN ventured to Washington DC with a group of 25 young activists from across the state, for the

ACLU's Membership Conference. Here is an excerpt from what Sandra Perrin a third-year law student at William Mitchell wrote about her experience:

Mark Twain wrote: "Loyalty to the country always.

Loyalty to the government when it deserves it." With this in mind, I spent 24 hours on a crowded bus in order to join national leaders in Washington D.C. for the national ACLU Conference in October. The experience was unforgettably inspirational.

While I accept that diversity of opinion is critical to a democratic society, I must admit that there was comfort and renewed optimism in being surrounded by 1,500 tried and true civil libertarians. The guest lecturers were universally articulate and well-selected. Justice Antonin Scalia was genial, brilliant and disingenuous. His 'conversation' with Nadine Strossen was the highlight of the conference. I generally believe Justice Scalia to be moralizing and reactionary. In spite of this, I respect his intellect and willingness to accept the challenging speaking engagement. For this reason, although I am fundamentally opposed to his worldview, I found his presence very inspiring as a law student.

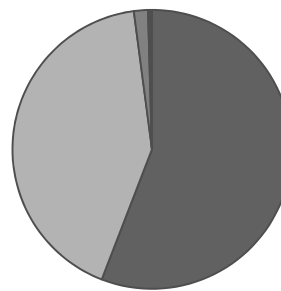
On Lobby Day, the ACLU conference attendees flooded the hallowed halls of Capitol Hill to explain to our representatives the ACLU positions on such important issues as immigration reform, illegal wiretapping and racial profiling. After a surprisingly extended and respectful audience with Senator Norm Coleman's office, I felt that our unspoken message was clear: We are a diverse group of informed and opinionated constituents who care deeply about civil liberties and will vote accordingly. Not surprisingly, this was an infinitely more satisfying experience than railing against the television set, and watching helplessly and passively as the media spins every nuance of Congressional activity. I returned home with a renewed sense of hope for an energetic and informed debate on the usurpation of power by the current administration. I plan on working with the William Mitchell ACLU Student Organization to make the most of this invigorating experience.



Young Activists lobbying in Senator Coleman's office as part of the ACLU Membership Conference in Washington D.C.

INCOME*

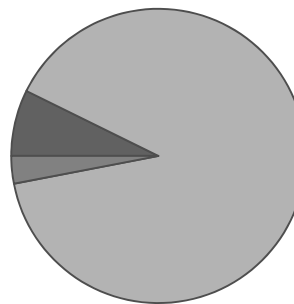
Contributions	\$259,449
Membership Share	\$195,287
Interest & Dividends	\$7,544
Other Income	\$2,097
Combined Total	\$464,377



- Contributions
- Membership Share
- Interest & Dividends
- Other Income

EXPENSES*

Program and Services	\$41,009
Administration and Management	\$504,815
Fundraising	\$16,996
Combined Total	\$562,820



- Programs and Services
- Administration and Management
- Fundraising

*un-audited financials

The ACLU-MN gratefully acknowledges the following individuals, private foundations, and corporations for contributing general operating funds between April 1, 2006, and March 31, 2007

*We salute these
ACLU-MN
volunteers and
cooperating
attorneys for their
commitment to the
advancement of civil
liberties. Their
dedicated efforts are
invaluable to
our work.*

Cooperating Attorneys

Howard Bass, Bass Law Firm
Tim Branson, Dorsey & Whitney LLP
Gillian Brennan, Dorsey & Whitney LLP
Howard Carp, Borkon, Ramstad,
Mariani, Fishman and Carp
John Cairns, Briggs and Morgan PA
Ben Court, Krass Monroe PA
Skip Durocher, Dorsey & Whitney LLP
Tom Fraser, Fredrikson & Byron PA
Albert Goins, Goins Law Firm
Laura Hein, Gray Plant Mooty
Angela Hall, Dorsey & Whitney LLP

Robert Hennessey, Lindquist & Vennum PLLP
Mark Johnson, Greene Espel PLLP
Thomas Kayser, Robins, Kaplan, Miller & Ciresi L.L.P.
Jeffrey Keyes, Briggs and Morgan PA
Jordan Kushner, Kushner Law Office
Phillip R. Krass, Krass Monroe PA
Bricker Lavik, Dorsey & Whitney LLP
Raleigh Levine, William Mitchell College of Law
John Lundquist, Fredrickson & Byron PA
Ailana McIntosh, Foley & Mansfield PLLP
Elizabeth Melton, Foley & Mansfield PLLP
Mike Merissa, Merissa Law Office
Todd Noteboom, Leonard Street & Deinard
Michael Okerlund, Robins, Kaplan, Miller & Ciresi LLP
William Pentelovitch, Maslon Edelman Borman & Brand, LLP
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Bill Stoeri, Dorsey & Whitney LLP
David Trevor, Dorsey & Whitney LLP
Dawn Van Tassel, Maslon Edelman Borman & Brand
Robin Wolpert, Greene Espel PLLP
Gary Wood, Minneapolis
Genevieve Zimmerman, Robins, Kaplan, Miller & Ciresi LLP



L to R: David Pinto, Tom Kayser & Michael Okerlund all of Robins, Kaplan, Miller & Ciresi L.L.P.

"Our client Straights and Gays for Equality (SAGE) seeks to promote tolerance and respect in its school community. But it was denied rights to communicate with that community - rights afforded to nearly every other student group at the school. In partnership with the ACLU-MN, we're working to ensure that the school gives SAGE and its student members the equal access to which they are entitled under the law."

-David Pinto, Robins, Kaplan, Miller, & Ciresi L.L.P.



Daniel Curry, Organizing
Apprenticeship Project Intern
-- GMRJP



Saskia Harak, legal intern

Volunteers & Interns

Abbie Allen, Rozanna Mohd Ariff, Kyle Brenton, Margaret Campbell,
Angela Chen, Candi Cermak, Stephanie Cobenais, Daniel Curry, Jessica
Davis, Nate Dybvig, Bona Carol Enstrom, Helma Cloud Earle, Jaime Ford,
Pat Gilsvick, Janey Grinnen, Rachel Goldman, Catherine Hanson, Saskia
Harak, Tim Holden, Carolyn Jackson, Megan Koss, Erinn Kroeger, Hichem
Laredj, Marilyn Meisenheimer, Carly Melin, Aaron Meza, Christina
Moriarty, Christina Olson, Andrea Palumbo, Chad Ramgren, Elizabeth
Rosar, Adam Schad, Claudia Srok, Todd Strom, Rachel Thorson, Kelly
Walsh, Charity Warrington, Urvashi Wattal, Carl Wedof, James Weiland,
Kingsley Wong, Erika Wurst, William Zaborske

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We want to thank the following
Board Members for the years of
service. You will be missed!

Celeste Carty
Deb Flemming
Albert Goins
Jill Kielblock
Paul Redleaf
Charlann Winking

We would like to welcome the
following people to the Board of
Directors. We are glad to have
you join us!

Wendy Dayton
John Gulla
Leslie Sandberg
Robert Sykora

Staff

Charles Samuelson, Executive Director
Teresa Nelson, Legal Counsel
Audrey Thayer, Greater Minnesota Racial Justice Project Coordinator
Jana Kooren, Public Education Coordinator
Molly Miller, Assistant to the Executive Director
Gina Walters, Greater Minnesota Racial Justice Project Office Manager
Jennifer Pennington, Office Administrator

***"What are we without the Bill of Rights?
I believe we have already surrendered
too many of our liberties..."***

- Michael Goldner,
2006 Earl Larson recipient



From L to R: Audrey Thayer, Teresa Nelson, Molly Miller
& Jana Kooren

