



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

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Twenty Five Young Leaders Attend National ACLU Conference in Washington DC

On Friday, October 13th, 25 young leaders from Minnesota began their journey to Washington, DC. After 26 long hours on the bus they arrived, along with 20 young Wisconsin leaders who joined the group on the way to DC. The conference ran from October 15th—17th and had over 1,500 attendees. Here are two accounts from students who attended the conference:

Sandra Perrin, second-year law student at William Mitchell writes:

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 unforgettable and truly 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 the 1,500 tried and true civil libertarians. The guest lecturers were universally articulate and well-selected. I was particularly energized by the nine brave plaintiffs in Kitz-miller v. Dover, who took the time to join us and discuss their experiences fighting intelligent design in the public school curriculum.

On the flip side, Justice Antonin Scalia was genial, brilliant and disingenuous. His “conversation” with Nadine Strossen was a 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

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We Won the Fight in South Dakota!

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Written by Molly Miller

I, along with 15 other ACLUers 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 take part in a fight that would affect the future of reproductive rights in America! We door knocked, phone banked and had an incredible visibility event. Cumulatively, 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. A man with no pants, 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. On voting day we anxiously awaited the results and were not disappointed. Thank you to Campaign for Healthy Families and all who joined us!

From the President

Susan L. Jacobson



Military Commissions Act

About 200 years ago Congress passed and President John Adams signed the Alien and Sedition Act. The ostensible purpose of this act was to protect us against the depredations of the then revolutionary French. Evidently some French privateers were raiding American ships doing business with Great Britain. Americans were killed and American property taken.

Faced with this issue, Congress acquiesced and President Adams implemented the Act. Of course, the major target of the act turned out not to be the French, but rather Adams' political opponents – Thomas Jefferson's partisans.

Now Bush has proposed, and the Congress has passed the Military Commissions Act.

The Military Commissions Act is aimed ostensibly at terrorists, and it establishes commissions (not courts) to try enemy combatants. If you are deemed an enemy combatant you are not covered by Habeas Corpus and can be held for an extended period without being charged. Plus, you could be subjected to "interrogation techniques" that are now illegal and the information gathered

by these "techniques" can be used against you in a trial in front of these same military commissions.

The ACLU opposes this act.

We not only oppose it because it is wrong to torture people. We oppose it because we support the writ of habeas corpus. We oppose it because we support the judiciary. And we oppose it because it can be applied to American citizens as well as to foreign nationals.

The United States of America was created by our constitutional convention and we have survived civil war, two world wars, and a 40-year cold war without throwing out our constitutional heritage (with only a few exceptions).

Please call or write your elected representatives asking them to repeal the Military Commissions Act and to restore the individual freedoms guaranteed Americans by our constitutional convention more than two centuries ago.

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From the Executive Director

Charles "Chuck" Samuelson



Judicial Selection

JUDICIAL SELECTION

In 2002, the ACLU of Minnesota wrote an Amicus brief in support of the Republican Party vs. White, a suit to allow judges to campaign openly for election.

The Minnesota Constitution requires that all judges be elected, but the practice had been that an outgoing judge would resign his or her term early and allow the governor to appoint his or her replacement. That replacement would run in the next election as an incumbent.

At the same time the state supreme court had developed Canon of judicial ethics that forbade candidates for a judicial office from conducting a partisan campaign. They were not allowed to raise funds, to take public positions on matters likely to come from the court, to seek endorsement, or other activities that we would consider to be a normal part of an election campaign.

We stated that if the Minnesota Constitution required that judges be elected, they must be allowed to campaign fully for their office. The US Supreme Court agreed with the Republican Party and declared Canon V of Judicial Ethics unconstitutional.

The result of this decision is that judges still, as a matter of practice not policy, resign before their term is up. Their successors are still appointed by the sitting Governor and they still run in the next election as an incumbent. However, both they and their challenger are free to run an aggressive campaign. They can state their opinions on matters likely to come before the court, they can raise money directly, and they can seek and accept any endorsement they choose.

During the Republican Party vs. White case, the ACLU-MN was never asked what kind of judicial selection we preferred. Now we are faced with the possibility that our judges could be held captive to political winds that would change their ability to make impartial, unbiased decisions.

The ACLU-MN frequently litigates to preserve individual rights. Generally this puts us against the will of the majority. In fact, one could make the claim that the Bill of Rights is anti-majoritarian. A judge who must be elected by a majority of the voters would have a conflict with deciding against the will of the majority and in favor of the individual.

Despite our strong emphasis on one-person one-vote policies in legislative and executive branch selections the ACLU-MN is concerned about judicial impartiality and about our ability to protect individual rights where judges might be penalized for deciding against the wishes of the majority.

Currently the Quie committee is reviewing judicial selection in Minnesota. The ACLU of Minnesota has asked to be allowed input into that process. We are considering what our position on judicial selection might be: whether to endorse election or appointment judges in Minnesota.

Do you wish the ACLU of Minnesota had more of a presence in your community?
Interested in helping to start an ACLU Chapter where you live?

If so, let us know!
Please contact: Jana Kooren
651.645.4097 x123
pubed@aclu-mn.org

Please include in your message your name, address, phone number, and why your community would benefit from an ACLU Chapter.

Legal Updates

SAGE v. Osseo Area Schools

Volunteer attorneys for the ACLU-MN argued in the Eighth Circuit Court of Appeals in defense of the preliminary injunction we won last April requiring the Osseo Area School District to provide equal treatment to the Straights and Gays for Equality (SAGE) student group. The lawsuit was filed in September 2005 following nearly two years of discussions with the school district over their policy toward SAGE. Since the injunction, SAGE has been treated like any other student group when it comes to access for meetings, avenues for communication and other rights afforded to other student groups. The School District appealed the injunction and oral arguments were held in St. Louis on October 16th. The argument is available via streaming audio at the Eighth Circuit's website: <http://www.ca8.uscourts.gov>.

Volunteer attorneys for the case include Tom Kayser, Michael Okerlund and David Pinto of the law firm Robins, Kaplan, Miller & Ciresi, L.L.P.

Challenge to Minneapolis "Photo Cop" Ordinance

The Minnesota Court of Appeals upheld the District Court's ruling invalidating the Minneapolis "Photo Cop" ordinance. The ordinance allows for photographic enforcement of red light violations. The ACLU-MN challenged the ordinance because it imposes liability on the vehicle owner instead of the actual driver who ran the red light. We argued that the shift in liability violates state law and the constitutional right to due process. The Court of Appeals found that the law was preempted by state law and invalidated it on those grounds. The City has filed a Petition for Review with the Minnesota Supreme Court.

The volunteer attorney on the case is Howard Bass, The Bass Law Firm, P.L.L.C., Burnsville, MN.

Juvenile Free Speech

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. Our client cartoon was created as a therapeutic response to bullying that he had experienced at school. It did not fit the definition of fighting words and the Court did not determine that it fell into any other category of unprotected speech such as a "true threat". In an ironic twist, the prosecutor took the position on appeal that the adjudication was not based on sufficient evidence, and did not file a brief opposing our appeal. The court agreed and overturned the trial court decision.

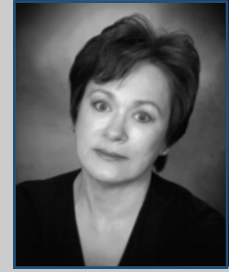
The volunteer attorney on the case was Jordan Kushner, Minneapolis.

Berg v. DEA

As this newsletter goes to print, ACLU-MN volunteer attorneys Tim Branson and Albert Goins are preparing for arguments in the Federal District Court on the DEA's motion for Summary Judgment in our long-running racial profiling case. After months of legal wrangling, attorneys for our client, Bonita Berg, were finally able to depose the two agents involved in what we allege was a racial profiling incident that is the basis of our complaint against the DEA. The Court also ordered the DEA to turn over documents relating to the factors used to stop individuals for the purposes of drug interdiction. The DEA's motion for summary judgment was filed this fall and the briefing has been completed. The argument will take place on November 15th.

The volunteer attorneys on the case are Timothy Branson, Dorsey & Whitney; and Albert Goins, Goins & Wood.

From the ACLU
Rebecca Rand
Minnesota's National Delegate



Update on Recent National Board Meeting

The last ACLU National Board meeting for 2006 was held October 14 –15th in Washington D.C., having been moved there from New York to coincide with the Membership Conference beginning October 15th. The Minnesota-Wisconsin affiliates were singled out for praise by Anthony Romero for sending 50 conferees on a bus to the event. It sounds like so much fun I'm reserving a spot for myself next year!

The only truly contentious issue dealt with a report from the Rights and Responsibilities Committee. We again debated the "signing state" issue which was defeated by a 36-35 vote. I'm really glad I didn't miss the meeting. Let's hope this is the stake thrust through the heart of the matter and we are not haunted by it again.

Elections were held for the numerous positions—general consuls, offers, executive committee. My policy, on any contested election, is to eliminate anyone who seems difficult to work with or lacking in intellectual rigor. This always leaves a surfeit of highly qualified ambitious, energetic, and passionate candidates. I then vote for the candidate with the least experience (my response to the lack of term limits).

New mandates are in the offing concerning affiliates affirmative action goals. Members were in support of the inclusion of greater numbers of minority GLBT and disabled persons on their boards and staff but stated a need for specific strategies to accomplish this. This is a plea to all ACLU-MN members to assist your nominating committee in this endeavor.

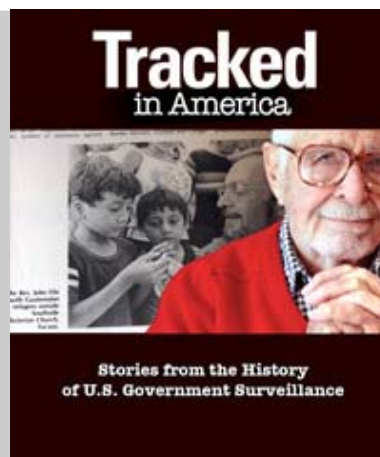
I have recently been appointed to the Right to Travel Committee. We are charged with re-vamping ACLU policy in this subject, so if you have thoughts concerning our right to travel, let's talk.

Let your voice be heard!
Join our Legislative Action Network!

- **Receive periodical emails with action alerts
- **Stay informed on local & national levels
- **Hold your elected officials accountable!

Please send a blank email to:
pubed@aclu-mn.org In the subject line put:
legislative action network

Your email will not be shared with any other group. It will only be used by the ACLU-MN.



Check out this new website, read about how the government has spied on citizens throughout U.S. History.

www.trackedinamerica.org

Trip to DC

Continued from page one

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 in order 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.

On a personal note, I was pleased to shake the hand of Lucas Guttentag, ACLU attorney and immigrant rights advocate. A speech Mr. Guttentag delivered several years ago at the American Immigration Lawyers Association (AILA) was the direct impetus for my entry into law school. At the AILA conference, he stated that "we" (the lawyers present) must do something to protect the civil liberties of immigrants in this country in the increasingly repressive post-9/11 governmental policies. I realized that "we" did not include the well-meaning paralegals present, and I immediately took steps to enroll in law school.

On the final evening, we honored several long-time ACLU activists. As a student conference attendee, I felt pride in demonstrating by my presence that their legacy will live on in future generations.

I returned home with renewed 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.

Margaret Campbell, 1st year student at Minneapolis Community & Technical College writes:

I was fortunate to be one of 25 Minnesota college students to go on the road trip to the ACLU national convention in D.C this past October 14-18. The Min-

nesota group met up with 25 Wisconsinites in Milwaukee and the remaining 17 hour bus trip was not as rough as it seems, we all really got to know each other pretty well. This trip was an amazing opportunity for young people who are interested in civil liberties and I am now proud to say I am a card carrying member of an organization that gets out there and directly encourages young people to be civically active.

On Sunday October 13th I witnessed a debate between Antonin Scalia and Nadine Strossen. At this moment I felt empowered as a young person and as a citizen considering previous to this event I, along with the vast majority of American citizens, had only seen the leaders of my government on TV and read about their decisions in the morning paper.

Throughout the conference I attended a variety of forums focusing on issues ranging from Immigration, Executive Power and Constitutional Rights to The Lessons of Katrina. All of the forums I attended were informative and exciting; I left with a better understanding of the issues and a strong desire to be a more active citizen.

The biggest impact this conference made on me was during my trip to Capitol Hill as a citizen lobbyist. Never in my life had I been this close to the mechanisms of my government, and I certainly hadn't had the opportunity to voice my concern about issues such as immigration, racial profiling and the Military Commissions Act to people who influence legislation on those issues.

Not only was this conference educational, but it was a lot of fun! I have never met so many people who care about the issues that impact their world and who are active in their communities as I did at the convention. We enjoyed performances by break dancers and comedians, and the formal gala dinner turned into a dance party when Maxi Priest hit the stage!

This was one of those perspective and life changing events for me and I encourage anyone who missed the conference this year to turn up next year, especially all of you college students!

Visit www.aclu.org/conference for clips & highlights from the National Conference 2006.

ACLU-MN Condemns Incident of Airline Discrimination Against Six Imams.

11/22/2006

St. Paul, MN -- The ACLU-MN today issued the following statement condemning the apparent religious, and ethnic profiling that took place at the Minneapolis and St. Paul International Airport on Monday November 20th.

In a nation that prides itself on our tradition of religious freedom and tolerance, it is ironic that a simple act of engaging in evening prayers would cause such a virulent reaction on the part of airport personnel. Unfortunately, this incident is an all-too-familiar example of the rampant racial, ethnic and religious bias that has occurred in the aftermath of the September 11th terrorist attacks. We are saddened that the treatment of this group of Imams will send a message to other Muslim airline passengers that they are targets of suspicion simply because of their religion or their ethnicity. We call on the Metropolitan Airports Commission and the U.S. Department of Justice to investigate this incident of discrimination and take all appropriate action to ensure that other Muslim travelers are not subjected to the humiliating treatment experienced by these Imams. The ACLU-MN asks airline passengers who have experienced discrimination in Minnesota to document their treatment and forward the information to us.

Michael Goldner receives Earl Larson Award on November 30th.

Full report in the next newsletter.



The attribution for this cartoon is Mike Keefe of The Denver Post.

Civil Liberties Tributes

If you wish to make a gift to the ACLU of Minnesota in the name of someone who is celebrating a milestone event, to honor their life, or simply to wish them well, give us a call. Contact Molly Miller 651-645-4097 x123, the Assistant to the Executive Director and give her the name and address of the person you wish to honor, your name and address, and the amount you wish to donate; we will send you a bill. We will send the honoree (or their family) a letter indicating that a donation (without listing of the amount) has been given to the ACLU of Minnesota in their name. Your name and address will be furnished to the honoree as well. You will receive a letter from the ACLU-MN indicating the amount of the gift. Donors of more than \$25 will be listed in the next newsletter, unless the donor wishes to remain anonymous.

Ask a question. . .

This is a new section that has been created so you, the reader & member can ask questions of our experts and share your comments with us. In each issue, we will focus on one or two specific topics.

WE WANT TO HEAR FROM YOU!

We encourage you to send letters to the editor on any of the subjects the ACLU covers. As much as we would love to respond to each and everyone we cannot print every letter or answer every question. ***This is only for letters to the editors, not to file a civil liberties complaint***

Letter should not exceed 200 words.
Send your question and comments to
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MOVING??

Please let us know.

You can either send an email or give us a call.
Please include in your message your name, previous address & your new address.

Thank you.

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