



ACLU

CIVIL LIBERTIES NEWS

Published quarterly in Spring, Summer, Fall, and Winter

Publication Office:

450 North Syndicate Street, Suite 325
St. Paul, MN 55104

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

Volume 38 Fall 2008 Issue 04

ACLU-MN seeks justice for David Croud

The ACLU-MN has filed a federal lawsuit against the Duluth Police Department, individual police officers, Saint Mary’s Medical Center and individual members of the hospital staff seeking damages for the wrongful death of David Croud. In October, 2006, David, who was a Native American enrolled in the White Earth Band of Ojibwe, was in downtown Duluth when he was approached and subsequently arrested by several Duluth Police officers. David was intoxicated, but witnesses say that he was simply sitting on the sidewalk and was calm when police approached him. His treatment at the hands of officers was so violent that witnesses called police to report police abuse. For no apparent reason, witnesses say officers slammed David Croud against a brick wall then threw him to the ground, pushing his face into the cement. The witnesses said that when they pulled Croud up to put him in the squad car, his face looked like pulp.

Because David was injured and bleeding, police had to revise their plan to simply take him to “detox”. They brought him to the Emergency Department at St. Mary’s Medical Center to be treated for his injuries. When he was brought in, his hands were cuffed behind his back and police had placed a facial restraint over his head. David struggled against the restraints and repeatedly asked to have the face mask removed. Hospital staff gave David three times the recommended dosage of Haldol to calm him down, and then, at the behest of police, kept him on his stomach on a gurney with his hands cuffed behind his back. His position and restraints put him at risk of having his airway restricted. That, coupled with his intoxication and the administration of Haldol proved to be a deadly combination.

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ACLU of Minnesota heads to South Dakota

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Newsletter:

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 Civil Liberties News
 (USPS # 114-860)
 Subscription by Membership Only

PERIODICAL postage paid at Minneapolis, MN, and additional mailing offices.

POSTMASTER: Send address changes to Civil Liberties News, 450 N. Syndicate, Suite 325, St. Paul, MN 55104

The first weekend in October, a dozen ACLU volunteers headed to South Dakota to help fight the abortion ban that will be on the ballot this November. This ballot initiative, Initiated Measure 11, would limit nearly all abortions, with only “so-called” exceptions in cases of rape, incest or women’s health. In 2006 a similar ban was rejected by the voters, this one did not include any of these “so-called exceptions”

The 12 volunteers traveled to Sioux Falls South Dakota in a minibus where they met up with over 80 ACLU volunteers from around the country. When they arrived in Sioux Falls, they volunteered for The Campaign for Healthy Families which is running the campaign on the ground in Sioux Falls. For three days they door knocked, phone banked, helped in the office and stood on street corners waving signs. During the weekend we knocked on over 4,000 doors and made over 5,000 phone calls.

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From the Executive Director

Charles “Chuck” Samuelson



Racial injustices in Northern Minnesota

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Six years ago, an elderly couple from Edina came to our offices. In tears the woman complained that the city of Park Rapids was “running our friend out of town”. Initially we were skeptical because we didn’t believe that things like that had happened in Minnesota since the 19th century. Unfortunately, when we called, we found that she was essentially correct. Upon further investigation we found that in 1999, 86% of those convicted of drunk driving were Native American, 80% of those convicted of assault, 100% of those convicted of vandalism, and similar percentages of those convicted of similar crimes in Beltrami county were Native Americans.

Then too, we heard anecdotally from a source in Cass County that the county arrested Native Americans just before their county fair. These men were sentenced to serve and their penalty was cleaning the fair grounds. During the fair they were released and then after the fair additional Native Americans were arrested and sentenced to clean up the fair grounds.

We travelled to Bemidji and toured the White Earth, Leech Lake and Red Lake reservations talking with members of those reservations about their experiences. Not surprisingly there were many instances where Native Americans claimed unequal enforcement of laws (especially traffic laws) by police officers. After several visits in the Bemidji area,

the ACLU of Minnesota board decided to open its first branch office ever in Bemidji in order to organize the communities in the fivecounty area around Bemidji in an effort to reduce the impact of un-equal enforcement on Native Americans. Thus was born the Greater Minnesota Racial Justice Program (GMRJP).

For the past 5 years Audrey Thayer, with help from our staff in St. Paul, negotiated with city and county officials, registered thousands of voters, met with everyone from sheriffs to mayors to college presidents. Her focus has always been to improve the lives of Native Americans in the northern third of Minnesota and to develop public education strategies and legal cases that allow the ACLU-MN to improve the civil liberties for minorities throughout Minnesota.

Injustice is expensive. It is expensive for the community and it is expensive for the ACLU. In the past five years, the ACLU of Minnesota has spent \$750,000 on the Greater Minnesota Racial Justice Project. We will spend another \$150,000 this year directly and about \$20,000 in legal fees. This is money we must raise in Minnesota.

We need your support this fall to keep the Greater Minnesota Racial Justice Project functioning. Because of the GMRJP, Native Americans can use their tribal ID cards as proof of citizenship and identity so that they can vote off the reservation. Your

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From the President

Therese Marso



Constitution Day—our favorite working holiday

Well, it's been a busy year in the ACLU-MN offices.... Months of preparations for thousands of marchers to meet thousands of officers in riot gear at the national political convention in St. Paul. Weeks of working the Great Minnesota Get Together, educating fairgoers and distributing copies of U.S. Constitutions. Months of educating citizens on their rights to vote. All in addition to the usual overwhelming staff schedule of legislative testimony and conferences, public appearances, and litigation against overreaching government. The ACLU-MN's dedicated staff and volunteers work tirelessly on behalf of its unique and sole client – the Bill of Rights of the United States Constitution. So it is with pride that we celebrated September 17, 2008, as Constitution Day.

Don't be embarrassed if September 17 wasn't marked in highlighter on your calendars. The Constitution is over 200 years old, but its special commemorative day is still in its infancy. Since its institution in 1997, Constitution Day has failed to take Hallmark by

Join the ACLU-MN Action Network

Please help us keep in touch with you in the fastest and most cost-effective way by giving us your email address!

When you join the **ACLU-MN Action Network**, you stay informed and involved with the latest news and information on civil liberties and ACLU-MN activities. Your email address will **not** be shared with any other organizations.

- ◆ Join online at: <http://www.aclu-mn>. Click on "join the legislative action network"

storm. However, educators in Minnesota are starting to take note of the great educational opportunity it presents to students. The ACLU of Minnesota was invited to speak at colleges, high schools, and middle schools. Staff and board members accepted every opportunity to educate and inform people about this living document. Admittedly, many students came to the sessions with little or no prior knowledge or perhaps even interest in a document ratified in 1789. Discussions usually started getting more interesting, however, once it became clear that this historical document still controls the law on very modern issues relating to voting, criminal procedure, free speech, freedom of religion, separation of church and state, etc. During this time in history when people are renewing the debate on what is or is not "American," the opportunity to discuss the most perfectly American document in the world – the Constitution – is one we should all celebrate.

When you get your 2009 Calendars, take a moment to write "Constitution Day" on September 17. And while you're at it, don't forget to renew your ACLU-MN membership and make an extra donation. The busy year in the ACLU-MN offices has been an expensive one, and your help is desperately needed!

Volunteer with the ACLU of Minnesota!

We could use your help in a number of ways including:

- Help with mailings
- Editing and proofing documents
- Court monitoring (in Northern Minnesota)
- General office work

If you are interested please contact Jana at 651.645.4097 x123 or jkooren@aclu-mn.org

Croud case continued

(continued from page 1)

After leaving him unattended for twenty minutes, a nurse finally went into the room to reposition him for his safety but it was already too late. David had stopped breathing and was unresponsive. They attempted to resuscitate him and they placed him on life support but David never regained consciousness. He died a few days later when his family made the difficult decision to remove him from life support. David's four children were left without a father in a tragic incident that did not have to end the way it did. David was a person in crisis and the police and hospital staff who had a responsibility to protect him failed in that duty, leading to his death.

The ACLU's lawsuit was filed on behalf of David's brother, James Croud, as trustee for David's estate. The lawsuit seeks damages for David's wrongful death, punitive damages, a declaratory judgment and injunctive relief. The lawsuit alleges that the police and the hospital conspired together to use excessive force against David by administering both physical and chemical restraints, thereby causing David's death. The lawsuit also alleges that the Hospital and its staff deviated from the applicable medical standard of care which lead to David's death. The lawsuit also alleges that the police and hospital staff's actions were motivated by bias against Native Americans.

By pursuing this case, the ACLU-MN is working to ensure that no other Native American is treated the way that David was treated.

Racial Justice continued

(Continued from page 2)

investment will allow the GMRJP to push voter registration for local as well as Federal elections. Native Americans comprise 20 % of the voters in Bemidji. Native American and college age voters could significantly change the political climate in Bemidji and could well reduce complaints of racial profiling from Native Americans. Civil liberties are most affected by the level of government closest to the people.

The goal of the ACLU of Minnesota Foundation is to create a Minnesota where civil liberties are protected even when you live five hours from the state capitol. Your contribution is an opportunity to protect civil liberties in a part of the state you only visit on a fishing trip!! There is a form in the newsletter to make it easier to give.

Thank you for helping to eliminate racial injustice in Minnesota.

South Dakota cont'd

(continued from page 1)

So hopefully, in November the ban will be defeated and women's rights will remain protected. If you are interested in learning more about the measure or the work that the campaign is doing please visit the Campaign for Health families website at: <http://www.sdhealthyfamilies.org/>



ACLU Activists in South Dakota

Earl Larson Award

You are cordially invited to

The 12th Annual Earl Larson Award

Honoring Peter Thompson

The event will take place on

Tuesday, November 11, 5:30 p.m.

at the Minneapolis Club

(8th Street and 2nd Avenue S., Minneapolis)

The Earl Larson award is presented once a year to an attorney who has done outstanding work protecting civil liberties and the constitution. This year the award will be presented to **Peter Thompson**, a local attorney who has dedicated his career to the pursuit of justice and the protection of civil liberties. Highlights of his career include, being an Assistant United States Attorney and Federal Public Defender, and doing pro bono work defending demonstrators in the protests against nuclear weapons at Honeywell, and landmines at Alliant Tech. Thompson was also active with the Advocates for Human Rights regarding war crimes and human rights investigations. Most recently he has been teaching at Twin Cities law schools and was instrumental in the continuing legal education programs put on by the ACLU of MN prior to the Republican National Convention in St. Paul this year.

Donation: \$100 to the ACLU-MN Foundation. Register online at www.aclu-mn.org

For more information or to register via phone contact Molly Miller at 651.645.4097 x127 or mmiller@aclu-mn.org

GMRJP

Community Cook-Out and Picnic



Picnic attendees enjoyed the food and discussion

The Cultural Connection Community Cook-Out and Picnic was held in Bemidji on August 14, 2008 on the shore of Lake Irving at the UpNorth Marina. This is an annual event celebrating the community's cultural diversity. It is sponsored by the Greater Minnesota Racial Justice Project in collaboration with many other non-profit organizations.

This year contributions were made by the Leech Lake Band of Ojibwe, Northwest Indian OIC, Indigenous Environmental Network, Anishinabe Legal Services, Regional Native Public Defense, Northwest Coalition for Family Safety, Nokomagiis, Northern Engineering, Beltrami County Child Abuse Prevention Council, and Bemidji Area Indian Center. All these organizations had the opportunity to display their educational materials under the big tent. The American Indian Resource Center-BSU, First Lutheran Church, and Peoples Church provided chairs, tables and grills to accommodate our largest crowd yet, 170 community members!

Local business cooperation and many volunteers helped to make this a successful event. Jim Allen, of Leech Lake, was our Master of Ceremonies and kept the crowd hopping with his one-man musical show throughout the afternoon. ACLU-MN GMRJP intern, Rick Lidel provided comedy and folk tunes while intern Patrick Koh kept the grills going. A great afternoon was shared by all.

Written by Gina Walters

Attention students!

Become an ACLU Youth Activist Scholar!

The American Civil Liberties Union (ACLU) is offering 16 of the nation's most committed, young civil liberties activists \$12,500 each toward their first year in college.

Winners will also become part of an elite class of scholar-activists who will be invited to participate in ongoing activities with the ACLU, including activist trainings at the ACLU offices in New York City and Washington DC.

To qualify for the scholarship you must:

- Have demonstrated a strong commitment to civil liberties through some form of activism
- Be a high school senior planning on entering an accredited college or university as a full-time, degree-seeking student
- Have attained a cumulative GPA of 3.0 on a 4.0 scale at the time of graduation
- Not be a current ACLU plaintiff or witness in a legal case
- **Submit all materials by the scholarship deadline of November 14th**

To be considered for the ACLU Youth Activist Scholarship your local ACLU affiliate must nominate you for consideration. Please contact the Youth Scholarship Coordinator at the ACLU of Minnesota, Jana Kooren at 651-645-4097, ext. 123 or jkooren@aclu-mn.org for details about the scholarship.

ARE YOU THE PARENT OF A STUDENT ACTIVIST?



If so, please contact us about the
ACLU Student Activist Scholarship Program

Has your son or daughter
stood up for

- RACIAL JUSTICE
- FREE SPEECH
- HUMAN RIGHTS
- EQUALITY
- TOLERANCE

16 high school students from across the country will each be awarded a \$12,500 college scholarship for their dedication to preserve our civil liberties. Those students will then become part of an elite "class" of student activists, whose talents and passion will be fostered by the ACLU National Office.



To learn more about the ACLU, its mission, and our work, please visit www.aclu.org

Know your voting rights

Election day is November 4, so here are some important guidelines to remember:

Registration to vote can be done **in person, by mail, while applying for driver's license or ID card, on Election Day, or when casting an absentee ballot.**

- A student can register to vote at whatever address s/he regards as her/his primary legal residence. This can be school address or home address.
- People convicted of a misdemeanor are eligible to vote. They can vote by absentee ballot if still in jail. People convicted of a felony can also still vote if not currently incarcerated or are on supervised release, conditional release, probation or parole.
- Homeless people can register and vote in the precinct they live and usually sleep (which can be a street corner, a park, a shelter, or any other place)
- A person is required to re-register every time s/he moves or changes her/his name

On Election Day every worker who's eligible to vote in an election has the **right to be absent from work in order to vote** on the morning of Election Day and can't be penalized for it. The polls will be open from **7a.m. to 8p.m.** You have the right to vote if you're in line or inside your polling place when the polls close.

You CAN take **written or printed election materials** with you as long as they're for your own use in casting your ballot. However, you CANNOT wear **partisan t-shirts or buttons** at the polls.

Most Voters won't need to show ID at all. However, if you're registering to vote at the polls on Election Day, you will need ID. Also, you may be asked to show ID if you registered to vote by mail and haven't previously voted in a federal election in Minnesota.

If you didn't bring ID at the polls to register to vote, you can satisfy the identification requirement by having someone who's registered to vote in your precinct vouch for your identity.

Problems you may run into at the polls:

- If you're not on the voter list, you could ask an election judge to check the list again and confirm that you're at the right polling place for your address. If you are at a right polling place, you could ask for a voter registration application and register to vote at the polls.
- If someone challenges your right to vote, an election judge will ask you to give an oath, and ask you questions to test your residency and your right to vote. If you refuse, you won't be allowed to vote even if you leave and return later willing to do so.
- If someone tries to intimidate or harass you, tell an election judge right away. If the election judge is the problem, call your county auditor or one of the election hotline numbers or make a complaint online at <http://www.votingrights.org>
- If you make a mistake and spoil a ballot, tell an election judge. You can return it to the election judges and receive another.

Avoid problems by:

- checking your voter registration status before hand;
- locating your correct polling place ahead of time;
- voting early in the day;
- bringing some form of ID, even if it's not required;
- reading instructions carefully; and asking for help.

IMPORTANT NUMBERS AND WEBSITES

Election Protection Hotline:

[866] OUR-VOTE

Minnesota Secretary of State:

[651] 215-1440 or [877] 600-8683

<http://www.sos.state.mn.us/>

ACLU Voting Rights Project:

[877] 523-2792

<http://www.votingrights.org>

ACLU of Minnesota

[651] 645-4097

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