



# ACLU

**AMERICAN CIVIL LIBERTIES UNION  
of MINNESOTA**

## CIVIL LIBERTIES NEWS

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### Tarek ibn Ziyad Academy files a counter suit against ACLU-MN

In July, Tarek ibn Ziyad Academy filed a counter-claim against the American Civil Liberties Union of Minnesota for defamation, along with several other allegations. A hearing date of November sixth has been set to hear our motion to dismiss TiZA Academy's counter-suit filed against us in July. At the November sixth hearing the ACLU-MN WILL ask the Judge to dismiss the claims against us so that we can get to the merits of our case against TiZA.

In January 2009 the American Civil Liberties Union of Minnesota filed a lawsuit in District Court against TiZA, its sponsor Islamic Relief, and the Minnesota Department of Education stating that the charter school has violated the Establishment clause of the U.S. Constitution by using taxpayer money to illegally endorse and promote religion. The sponsor and the Minnesota Department of Education were named as co-defendants because they have failed to provide proper oversight by failing to prevent the use of taxpayer funds to endorse and promote religion.

Since the case was originally filed in January, the ACLU-MN successfully fought a motion to dismiss filed by TiZA (although all the claims except one were dismissed against the MN Department of Education) and have fought this counter suit. The ACLU hopes that if the counter claims are dismissed at the November sixth hearing then the case against TiZA can continue forward into the next stages of the lawsuit.

### ACLU-MN successful in changing school policy

#### Inside This Issue

Page 2.....From the President  
Page 3...From the Executive Director  
Page 4.....Earl Larson Award  
Page 5.....From the GMRJP  
Page 6.....Youth Scholarship  
Page 7.....Development Updates

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Earlier this year the ACLU-MN received a complaint from a concerned parent over a rural school district's policy on cameras in the school building. The school policy allowed video surveillance in bathrooms and in both the male and female locker rooms. On at least one occasion, the school had done video surveillance in the male locker room at a time when students were using the locker room to shower and change clothes.

The ACLU-MN believes the school's policy and practices violate both state law and the Fourth Amendment right to be free from unreasonable searches. The ACLU-MN corresponded with the school and pressured them to change their policy. The school agreed to have a parent group review the policy and this summer, the parent group recommended that the policy be changed to prohibit video surveillance in locker rooms and bathrooms. The School Board agreed and changed the policy.

The ACLU-MN and cooperating attorneys Tim Griffin and Tim Ewald will continue their advocacy on this issue to prevent other schools from engaging in locker-room video surveillance. In addition, the ACLU-MN is

very concerned with the heavy surveillance of students in schools. The more that schools take on the role of law enforcement, the more schools are departing from their true mission to educate students.

# From the President

## Wally Hilke



## A special thanks to Tom Kayser

The American Civil Liberties Union of Minnesota will honor Minneapolis Attorney, Thomas C. Kayser, with its Earl Larson Award. In 1996, the ACLU of Minnesota created the Earl Larson award to honor those attorneys who have pursued a life-long commitment to justice and civil liberties work. The award was named for the founder of the ACLU of Minnesota, Federal Judge Earl Larson.

This award is presented to the legal and political leaders of the Twin Cities who have worked to make Minnesota one of the most civil liberties friendly states in the country. Tom Kayser has spent close to four decades fighting for civil liberties and his career is one full of distinction and merit."

Kayser, a partner in the Minneapolis office of Robins, Kaplan, Miller and Ciresi, spearheaded a lawsuit for the ACLU-MN against the Osseo School District and Maple Grove Senior High. The lawsuit argued that Maple Grove Senior High violated the Federal Equal Access Act when it refused to allow, the student group, Straights and Gays for Equality the same access (hall posters and the PA system) as other student groups. In August 2008, a federal appeals court issued a permanent injunction, requiring Maple Grove Senior High to allow SAGE the same access as other student groups.

In addition to his pro bono work for the ACLU-MN, Kayser was named the 2007 "Volunteer of Year" by the Volunteer Lawyers Network for his work in family law. Kayser is a former Commissioner of the Metropolitan Airports Commission, a former officer of the United States Air Force and is a retired Lieutenant Colonel of the Air Force Reserve. He is also a great supporter of many local non-profit organizations.

The ceremony will be on Wednesday November 18. Below is a list of previous winners:

<b>Earl Larson</b>	<b>1997</b>
<b>Peter Dorsey</b>	<b>1998</b>
<b>Lynn Castner</b>	<b>1999</b>
<b>Leonard Lindquist</b>	<b>2000</b>
<b>Dr. James Shannon</b>	<b>2001</b>
<b>Walter Mondale</b>	<b>2002</b>
<b>The Honorable Rosalie Wahl</b>	<b>2003</b>
<b>Doug Hall</b>	<b>2004</b>
<b>Jack Davies</b>	<b>2005</b>
<b>Michael Goldner</b>	<b>2006</b>
<b>Kenneth Tilsen</b>	<b>2007</b>
<b>Peter Thompson</b>	<b>2008</b>

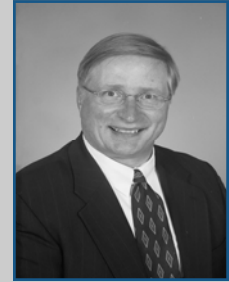
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# From the Executive Director

Charles "Chuck" Samuelson



## Civil Asset Forfeiture

Many of us watched with concern over the past decade as the state and federal governments created task forces like the Metro Area Gang Strike Force and 23 other similar task forces statewide. While much of their work is laudable and the problems they were formed to address are severe, the method of funding these task forces is to blame for the well publicized problems with the metro gang strike force.

Minnesota law allows for police to seize property from people they suspect are benefiting from illegal activities. This property can be seized before they are convicted of any crime. They then have a short window in which to contest the seizure and they must contest it in civil court. If they fail to file a timely response, the government keeps the property. Naturally, in civil court they are unable to receive a free attorney because the 6<sup>th</sup> amendment (Gideon decision) only applies in criminal cases. And of course Legal Aid is forbidden by federal law from suing the government.

The money is split between the police unit (s) and the county prosecutors. In 2008 this amounted to one million four hundred thousand dollars (\$1,400,000) for the 23 task forces alone. City police departments and sheriff departments seized additional money and property. An even more insidious issue is that the seizure of amounts less than \$7,500 is an administrative seizure and can be done "on the spot" with no due process except that the purported criminal can apply to get his or her property back by proving their innocence in a civil court.

As the recent *Star Tribune* articles on the Metro Gang Strike force (MGSF) indicate, this is a situation that is ripe for fraud. Despite the official line that this was simply a bunch of rogue offices, the

ACLU feels strongly that the present civil asset forfeiture law created a structure that not only enabled but also encouraged abusive police activity in order to fund police payrolls. In fact, the state auditor criticized the MGSF for not "spending down" their seized funds. Instead the MGSF spent the state money first and put the seized funds in the bank.

The ACLU of Minnesota is not the only organization appalled by this government funding mechanism. Both the CATO Institute and the Institute for Law and Justice call for the scrapping of current Minnesota law and a return to criminal asset forfeiture, which requires a conviction on the underlying criminal act in order to seize the property. The ACLU has begun discussions with legislators regarding civil asset forfeiture and we will continue to work with our conservative friends to stop this practice.

We believe that the only funding for police and prosecution should come from taxes – not from property seized from individuals accused of a crime by the government.

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### Newsletter

Contributors.....	Wally Hilke, Charles Samuelson, Doris Rubenstein, Audrey Thayer
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## Earl Larson Award

The ACLU of Minnesota Foundation invites you to

13<sup>TH</sup> ANNUAL

# Earl Larson Award

*honoring*

**Tom Kayser**

**Wednesday, November 18, 2009**

Hors d'Oeuvres Reception at 5:30 p.m.  
Award presentation at 6:30 p.m.

**Minneapolis Club, Main Lounge —2nd Floor**  
Eighth Street and Second Avenue South  
Minneapolis

Visit [www.aclu-mn.org](http://www.aclu-mn.org) to purchase tickets

\$100 per person (\$85 tax-deductible donation)

\$50 per person\* (\$35 tax-deductible donation)

*\*For those working in public/social service*

Hosts of the 2009 Earl Larson Award

**Vance Opperman and Walter Mondale**

*and the Earl Larson Committee*

Howard Bass, Melanie Benjamin, Joel Bergstrom, John Borger, Timothy Branson, Edwin Butterfoss, Michael Ciresi, James Dorsey, Peter Dorsey, Nate Dybvig, Sandra Feist, Lawrence Field, Anita Fineday, Arvonne Fraser, Donald Fraser, Melisa Lopez Franzen, Burt Garr, Albert Goins, Michael Goldner, Timothy Griffin, John Gulla, Susan Harper Ritten, Samuel Heins, Robert Hennessey, Wallace Hilke, Melissa Houghtaling, Steve Hunegs, Carolina Lamas, Peter Lancaster, Jonathan Lebedoff, Larry Leventhal, Raleigh Levine, James Manahan, Therese Marso, Jennifer Martin, Vivian Mason, Ronald Meshbesh, Ken Meshbesh, Scot Milchman, Todd Noteboom, Michael Okerlund, Bill Pentelovitch, TJ Pierret, Dave Pinto, David Potter, Rebecca Rand, Paul Redleaf, Leslie Sandberg, Christopher Seidel, Charles Silverman, Gloria Stamps-Smith, Steven Suckow, Jay Swanson, Robert Sykora, Peter Thompson, Kenneth Tilsen, Hon. Rosalie Wahl, Cassandra Warner, Genevieve Zimmerman

For more information, please contact **Molly Miller**

T: 651.645.4097 x 127 E: [mmiller@aclu-mn.org](mailto:mmiller@aclu-mn.org)

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## Greater Minnesota Racial Justice Project

August 20, 2009 marked the fourth annual Cultural Connection Community Picnic hosted by the ACLU-MN Greater Minnesota Racial Justice Project, held in Bemidji near the shore of Lake Irving. This community gathering has become so large that this year it was the focus organizing project for our summer intern, Harlan Johnson, from Bemidji State University. Needless to say Harlan did a fabulous job!

The purpose of the community picnic is for all people to embrace the diversity of our community and share in that wealth of getting to know your

neighbors. Besides serving up over 550 hamburgers, brats, and hot dogs at this year's event, the entertainment lineup, included Ojibwe drummers and dancers and several contemporary folk groups, and lasted into the early evening hours. The outer edges of the two large tents housed 22 non-profit organizations displaying their educational materials, another feature of our event that continues to grow each year. The Cultural Connections Picnic would not be possible without countless volunteers, our ACLU members, and all of our supporters. Thank you for another successful event.

Next year, with the help of our partnering sponsor, "Shared Visions", the picnic will achieve "festival" status. Stay tuned!



*2009 Cultural Connections Picnic*

## Are you a teacher?

The ACLU of Minnesota provides free resources to educators for their classroom including:

- Two different curricula (high school appropriate) on the Bill of Rights
- A Constitutional Rights CD which explains 50 famous Supreme Court cases in 60 seconds each
- Freedom Files DVDs on topics such as Women's Rights and Youth Rights
- Students' Rights Newsletter that covers such topics as: Freedom of Religion, Freedom of Speech and a Right to Privacy.
- Pocket-sized Constitutions (contains both the U.S. & MN Constitutions)
- Speaker's bureau: the ACLU-MN can provide speakers to cover topics such as Youth Rights,

GLBT Rights, and many other issues as they relate to the Constitution.

If you are interested in receiving any of these resources please contact Jana Kooren at [jkooren@aclu-mn.org](mailto:jkooren@aclu-mn.org) or 651-645-4097 x123

## Constitution Day 2009

This year thanks to an excellent front page article from the *Pioneer Press* the ACLU of Minnesota received over 775 requests for Constitutions. From those requests we distributed over 3,000 Constitutions across the State of Minnesota.

If you would like to receive your own pocket-sized copy of the Constitution please call 651-645-4097 x123 and leave your address along with how many Constitutions you would like.

# 2010 Youth Activist Scholarship

## ARE YOU THE PARENT OF A STUDENT ACTIVIST?



If so, please contact us about the  
**2010 ACLU Youth Activist Scholarship program**

Has your son or daughter  
stood up for:

- ☐ CIVIL LIBERTIES
- ☐ EQUAL RIGHTS
- ☐ FREE SPEECH
- ☐ RACIAL JUSTICE
- ☐ TOLERANCE

15 high school students from across the country will each be awarded a \$7,000 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.

For more information go to: [www.aclu-mn.org](http://www.aclu-mn.org)



To learn more about the ACLU, its mission, and our work,  
please visit [www.aclu.org](http://www.aclu.org)

Photo Credit: Juniper Lesnik, ACLU of Northern California

The American Civil Liberties Union is offering 15 of the nation's most committed, young civil liberties activists \$7,000 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 the Youth Activist Institute training program at the ACLU National office in New York City.

We are looking for students who have stood up for civil liberties, tolerance, free speech, and equality! Past scholarship winners were recognized for a wide variety of civil liberties activism. To learn more about what the qualifications are for this scholarship please visit [www.aclu-mn.org](http://www.aclu-mn.org)

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, 651-645-4097 x123, [jkooren@aclu-mn.org](mailto:jkooren@aclu-mn.org) for details about the scholarship.

**Deadline for submissions is November 23rd**

## ACLU-MN hires Director of Major Gifts



The ACLU of Minnesota is pleased to announce that they have hired **Doris Rubenstein** as Director of Major Gifts. This is a new position to the ACLU of Minnesota and we hope that in time it will allow our programs to expand and grow. Doris will regularly be writing development updates for the newsletter.

### **A few words from Doris**

Coming to the ACLU-MN is truly a match made in heaven for me and I appreciate the opportunity to work for an organization with a mission so close to my heart and values. I've been working in the field of philanthropy for various organizations and as a consultant since 1974. I'm a native Detroitter and did my share of social activism as an undergraduate at the University of Michigan. I put some of that energy into my work as a Peace Corps Volunteer in Ecuador which was an amazing experience in learning what life is like for those who do not live in a functioning democracy.

One of my first jobs after returning to the U.S. was interpreting for the U.S. Immigration and Naturalization Service in New York City, another experience in how too often, only those who can pay for justice get it. As a fundraiser for CARE in New York, I saw the struggles of people for a decent life in countries often suffering in civil wars and with

corrupt governments. Coming to Minnesota was a dream: the Twin Cities had not been ravaged by racial violence like my home town and the State has a progressive tradition. But it's clear that there's still work to be done; I'm overwhelmed with the number of cases that the ACLU-MN could champion, but can't for lack of financial resources.

I look forward to working with like-minded people like YOU who care about fairness and justice and to help you turn your values into programs and support that advance a cause that is important to me, you, and the future of our American society.

### **Development Updates**

Coincidental to Doris's arrival, a new on-line giving portal has been established for Minnesota non-profits: [www.GiveMN.org](http://www.GiveMN.org). The Minnesota Civil Liberties Union Foundation, that supports the ACLU-MN exclusively, is a participating charity. The website goes live on November 17, 2009 and we hope to have our page fully populated by then. In addition, for those who like to shop on-line, if you start your purchase through [www.igive.com](http://www.igive.com), a portion of the profits from your purchase can be designated for the ACLU-MN.

*Thank you to all the volunteers who worked tirelessly at the State Fair this year, we greatly appreciate you volunteering your time and energy!*

### ***TRIBUTES***

#### **In Memory of Robert Siegel**

From Hal & Joyce Field

*Tributes are contributions made to honor or remember special friends, family, colleagues and occasions.*

*To have your tribute appear in Civil Liberties News, please contact Molly at 651.645.4097 x127; [mmiller@aclu-mn.org](mailto:mmiller@aclu-mn.org) or 450 N. Syndicate, suite 325,*

# Civil Liberties News

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The **ACLU-MN Foundation** (ACLU-MN Foundation) is a 501(c)(3) nonprofit entity organized to help maintain and defend the rights of free speech, free press, free assemblage, and other human and civil rights and liberties secured by law; to provide legal defense of civil liberties secured by law for those persons who cannot afford to pay for the same; and to provide public education in civil liberties issues. The ACLU-MN Foundation fulfills its mission through programs and services provided by the American Civil Liberties Union of Minnesota (ACLU-MN).