

CIVIL LIBERTIES NEWS



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You are being tracked

Contributed in part by: Catherine Crump, ACLU

Automatic license plate readers are the most widespread location tracking technology you’ve probably never heard of. Mounted on patrol cars or stationary objects like bridges, they snap photos of every passing car, recording their plate numbers, times, and locations. At first the captured plate data was used just to check against lists of cars law enforcement hoped to locate for various reasons (to act on arrest warrants, find stolen cars, etc.). But increasingly, all of this data is being fed into massive databases that contain the location information of many millions of innocent Americans stretching back for months or even years.

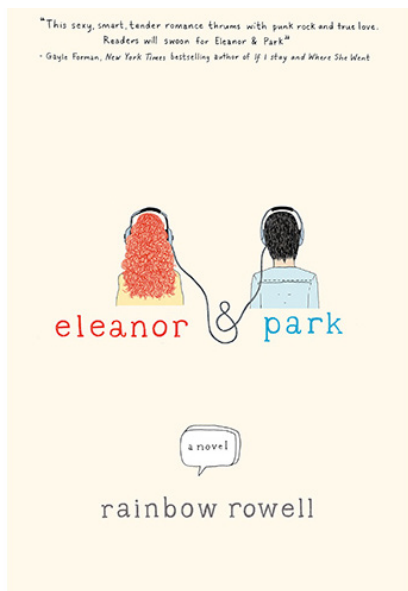
This is what the ACLU has found after analyzing more than 26,000 pages of documents from police departments in cities and towns across the country,

obtained through freedom of information requests by ACLU affiliates in 38 states and Washington, D.C.

As it becomes increasingly clear that ours is an era of mass surveillance facilitated by ever cheaper and more powerful computing technology, it is critical we learn how this technology is being used. License plate readers are just one example of a disturbing phenomenon: the government is increasingly using new technology to collect information about all of us, all the time, and to store it forever – providing a complete record of our lives for it to access at will.

As is often the case with surveillance technology, there are unobjectionable – even beneficial – uses of license
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Keeping books on library shelves



September 22 - 28 was Banned Books Week. Created by the American Library Association, Banned Books Week celebrates the scores of books that have been challenged or banned from libraries throughout the years. Popular books on the list include: *To Kill a Mockingbird*, *The Color Purple* and *Catcher in the Rye* to name a few. Most of the bans never go through, but inevitably a few do.

During Banned Books Week the ACLU learned that the Anoka School Board is considering banning a book called *Eleanor &*

Park. Eleanor & Park, by Rainbow Rowell, is a critically acclaimed work of fiction for young teens, telling the story of budding romance between two teens who feel like they don’t quite fit in. It deals with issues that are serious and relevant to teens such as sexual abuse, poverty, bullying, and romantic relationships. The book had been on one of the school district’s summer reading lists.

In a 13-page complaint submitted to the School Board on behalf of the Parent’s Action League, the group
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The Constitution is for everyone

At a recent ACLU-MN board meeting, a discussion raged on concerning one of many topics and I thought to myself, “How did this many non-conformists ever get in a room together, let alone come to agreement on so many different topics?” Since that day, I have given more thought to what brings all of us together and I have concluded, somewhat ironically, it is conformity-- conformity to the Constitution of the United States and its amendments.

This is the basic premise of the ACLU... We want it, we demand it. So what brings seemingly non-conformists to this organization? Or just as important, why does the public have the perception that the ACLU is a bunch of non-conformist, leftist radicals? Quite simply it is the belief that the protections of the Constitution should apply equally to everyone in this country, not just the majority. That, my friends, is apparently a radical position and well outside the mainstream of American thought.

Much of this came into clarity when, in a recent discussion with several acquaintances, I explained the position the ACLU-MN was

taking on a number of issues. One person finally proclaimed that she thought I was quite probably a member of the Tea Party given my advocating for strict adherence to the Constitution and Bill of Rights. Her husband immediately corrected her by saying, “Yes, but he wants it for everyone!” My sense was this was not seen as a positive situation by either of them. But he was absolutely correct, I do want it for everyone. I want it for those who choose to write their political opinions in chalk on public sidewalks, for those who want to practice their religion, for those who don’t want to have other’s religion foisted upon them, for the gays and lesbians that want to marry and for all those who want to vote without impediment. I want it for immigrants to this country even including Swedes, Norwegians and Germans. I want civil liberties protected for people regardless of gender, race, religion, or creed. We, the members of ACLU, want it.

Yes, it is true. We, an organization of “non-conformists”, want conformity to the Constitution of the United States and Bill of Rights by everyone and for everyone. We want it, we demand it and we will fight for it. ■

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Leaving doesn't mean the end

It is with deep sadness that the ACLU-MN announces that we will have to close our Greater Minnesota Racial Justice Project office in Bemidji. Almost 10 years ago the ACLU-MN opened this innovative project focusing on the disparate treatment of people of color in greater Minnesota.

Budget shortfalls are forcing the ACLU-MN to tighten our belts and reduce our expenses, including cutting the GMRJP program in Bemidji.

Our project coordinator, Audrey Thayer is well known in the community and has been a lightning rod for change for the past decade. Among the accomplishments brought about under her directive:

- The percentage of Native American inmates in Beltrami County Jail has declined. When we started work in the region Native Americans made up almost 80% of the population of the jail, despite being only 20% of the population. That percentage has decreased to 50%- 60%.
- Bridges have been built between the police and Native American community.
- The court monitoring program was established and we began working with the judicial community to re-direct, where possible, defendants to outcomes other than incarceration.

A number of key court cases surrounding Native American issues have been won including:

- ACLU vs. Kiffmeyer, which challenged the rules promulgated by the then Secretary of State Kiffmeyer that tribal identification cards were not sufficient for Native Americans to vote.
- The ACLU-MN also successfully sued the City of Duluth over the wrongful death of David Croud. His children now all have college scholarships.

The ACLU-MN remains committed to the cause of racial justice in greater Minnesota. Our Mankato office, which has dedicated funding, continues to focus on 14th Amendment and Bill of Rights issues in southern Minnesota. People throughout the state can still file legal complaints with our offices in St. Paul and Mankato and on our web site (www.aclu-mn.org).

Thank you to the generous individuals, foundations, and our members who have supported the ACLU-MN over the past decade. Your generosity helped us achieve our many successes of which we can be proud of in northern Minnesota.

Your on-going support will help us continue the important work of protecting civil liberties throughout Minnesota. ■

ACLU victory in sidewalk chalking case

The American Civil Liberties Union of Minnesota and its client, Melissa Hill, reached a settlement agreement with the City of Minneapolis and other parties in a case surrounding the right to chalk on public sidewalks. In 2011 Hill was detained and issued a trespass order after she wrote on a public sidewalk outside of the Federal Building with erasable sidewalk chalk, in Minneapolis.

Terms of the settlement include written agreements that all of the parties involved, which includes the City of Minneapolis, Federal Protective Services, the Minneapolis Police Department and DECO Security Services, agree that writing on a public sidewalk with erasable chalk is not a crime and that they should not treat it as such. The defendants also agreed to pay a portion of the legal fees as part of the settlement agreement.



In 2011 Hill was in the process of re-chalking “Don’t Enlist, Resist” when she was handcuffed, detained, searched and questioned by security guards, FPS Agents and a Minneapolis Police Department officer. The MPD issued Hill a trespass notice that prohibits her from entering the property of the Federal Building for a period of one year.

Cooperating attorneys in the case are: William Pentelovitch, Nadege Souvenir and Melissa Muro LaMere, all of Maslon Edelman Borman and Brand, LLP. ■

ACLU loses motion to dismiss

A Ramsey County District Court Judge denied the ACLU-MN’s motion to dismiss the charges against Andrew Henderson, who was cited for peaceably filming paramedics and sheriff’s deputies in the parking lot of his apartment building. Henderson was charged in fall 2012 with obstruction of justice and disorderly conduct after he passively filmed an interaction between a resident of his apartment building and Ramsey County Sheriff’s deputies. This case will now go on to trial in November. ■

Failed war on Marijuana needs to end

Marijuana has become the drug of choice for police departments nationwide – a trend that is playing out with major consequences here in Minnesota. According to a new report by the ACLU, police in Minnesota made 11,893 marijuana arrests in 2010. 7,494 of these arrests were for possession – which means that thousands of people have been unnecessarily ensnared in our criminal justice system just for having marijuana.

Let’s begin with the backstory. Over the last twenty years, police have turned much of their zeal for fighting the misguided War on Drugs towards the enforcement of marijuana laws in communities across the country. And like America’s larger War on Drugs, America’s War on Marijuana has been a failure. Despite being a priority for police departments, their aggressive enforcement of marijuana laws has not diminished the use or availability of marijuana; in fact, use has increased.

How this failed War on Marijuana is impacting Minnesota:

- **Over-policing.** Once ensnared in the criminal justice system, people can lose their liberty, money, time, housing, jobs, public benefits, child custody, drivers’ licenses and student aid, and can be deported.
- **Wasted Time and Money.** Minnesota spent \$42,071,288 enforcing marijuana possession laws in 2010 – money that could have been otherwise invested in our communities to enhance public health and safety, drug treatment programs, and police-community relations.
- **Unacceptable Racial Bias.** Marijuana usage rates are similar among blacks and whites, yet blacks in Minnesota are 7.8 times more likely to be arrested for marijuana possession. Hennepin County tops the list, with blacks being 9.1 times more likely to be arrested. Hennepin County has one of the worst disparities in the nation.

The aggressive enforcement of marijuana possession laws needlessly mires hundreds of thousands of people in the criminal justice system, crowds our jails, wastes billions of taxpayers’ dollars, fails to reduce marijuana use and availability, diverts precious police resources away from solving serious crimes, and is carried out with staggering racial bias. You can read the ACLU’s report online at www.aclu-mn.org. ■

They are tracking you

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plate readers. We don't object when they're used to identify people who are driving stolen cars or are subject to an arrest warrant. But they should not become tools for tracking where each of us has driven.

Because of the way the technology works – these devices snap photos of every passing car, not just those registered to people suspected of crimes – virtually all of the data license plate readers gather is about people who are completely innocent.

Currently there are no time limits for how long police departments in Minnesota can hold onto this data. The ACLU is fighting for strict controls on how long innocent data can be stored and by whom and when it can be accessed. Until this law is changed, law enforcement can continue to use this data as they see fit with scant regulation. ■

Banning Books

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cited concerns with the book's use of profanity (they cited 227 instances in the 328-page book) including 67 uses of the word "God", 26 uses of the word "Jesus" and four uses of the word "Christ". Their complaint asked the school district to remove all 70 copies from all of the different libraries and that the media specialists that added the book to the summer reading list be punished.

The ACLU-MN wrote a letter to the Anoka School Board urging them to keep *Eleanor & Park* on the shelves of their libraries. While it is true that there is some vulgar language in *Eleanor & Park* it is not pervasive enough to account for the banning. The book portrays situations and uses language which most teens can easily access through film, the internet or by any other means. Schools should promote free access to ideas. It should be up to parents, not schools, to decide what reading materials their children should not be able to access. ■

Giving is a part of who they are



Paul and Rhoda Redleaf are among the largest donors to the ACLU of Minnesota in recent history. Because of the Redleaf's

generous support the ACLU was able to start the Greater Minnesota Racial Justice Project in Mankato. They did not think life was going to be like this, for the first half of their marriage they didn't imagine themselves being capable of donating such large sums of money to their favorite nonprofits.

When the Redleafs moved to Minnesota in the 1950s, Paul was the main supporter of the family as an internal medicine doctor, but life changed dramatically in the early 1980s when their eldest son became a stock trader. Paul cut back his practice to join his son in trading. Thanks to smart moves and good fortune, the Redleafs were able to start the Redleaf Family Foundation through financial gifts from them and their eldest son.

The goal of the Redleaf Family Foundation was simple; chose a select few nonprofits to give substantial gifts to, gifts that would make an enormous impact on their budget and allow them to expand their work.

The ACLU-MN was chosen as a lucky recipient of their generosity because of the Redleaf's lifelong dedication to the protection of civil liberties. Paul and Rhoda had both been members of the ACLU since the McCarthy era and felt strongly that work needed to be done to protect our privacy rights and support due process rights.

They were excited that they could see their gifts make a lasting impact on communities of color, in greater Minnesota, that are notoriously mistreated by law enforcement and in the criminal justice system.

Thank you to Paul & Rhoda Redleaf for your years of generous support to the ACLU-MN! ■

Celebrating Diversity in Northwestern Minnesota

At the ACLU-MN so much time is spent focusing on all the injustices facing communities of color that we rarely take time to come together as a community and enjoy each others' company.

A few years ago the ACLU-MN started the Cultural Connections Picnic in Bemidji with the hope of bringing people of all ages, races, and backgrounds together in a positive setting, a setting where differences can be celebrated, food can be shared and enjoyment can be had by all.

The police even join in the action and stop by the picnic to help grill the food and visit with the local community.



For some people it is one of the few positive interactions they ever have with the police.

This year was no different. Over 25 non-profit organizations set up booths to educate community members about their services.

Fun events included pontoon boat rides, raffle drawings, children's art events, swimming and music. The event which we started many years ago has grown into a thriving and vibrant community event. It is always good to take a step back from the daily fight to just enjoy life. ■

Conozca sus derechos

Conozca sus derechos, or know your rights has been the focus of the ACLU-MN's office in southern Minnesota since it opened. Racial profiling and police issues are a common complaint the ACLU-MN receives so it is an important part of our work to be in the community educating people about their rights.

Most recently the ACLU-MN has been at events in Rochester and Northfield talking to people about their rights and handing out *Know Your Rights* cards.

Do you know what your rights are? If you

would like a copy of our card, *What to do if you are stopped by law enforcement*, you can either download one from our website at www.aclu-mn.org, or contact our office and we can mail one to you.

If you would like a copy please send an email to education@aclu-mn.org with *Know Your Rights* in the subject and your address in the body or call 651-645-4097 x123 and leave a message with your name, address and how many cards you would like. They are available in English and Spanish. ■

Don't forget to vote on
November 5!

Are you registered to vote for this
year's election?

Starting this year online voter
registration is now available!

You can register online to vote at:
<http://www.sos.state.mn.us/>

Don't delay, register today!



Honoring Justice Paul Anderson

with the

Earl Larson Award



For the last seventeen years, the ACLU-MN has honored the work of members of the Minnesota legal profession who have excelled in their commitment to preserving civil liberties. The first award winner was Judge Earl Larson, who founded the Minnesota affiliate of the ACLU, and for whom the award was named.

This year, the ACLU-MN is honoring Justice Paul Anderson with its 17th annual Earl Larson Award. Justice Anderson served on the Minnesota Supreme Court from 1994 - 2013. Justice Anderson has spent a large part of his life in public service. He is known for his extensive work on international human rights issues and for his commitment to the protection of civil liberties.

We invite you to join us on
November 12, 2013

Minneapolis Club
729 2nd Avenue South, Minneapolis

5:30 p.m. • Reception
6:30 p.m. • Award Presentation

Tickets available online at www.aclu-mn.org or by contacting Molly at 651.645.4097 x123 or mmiller@aclu-mn.org

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