

# ACLU Minnesota CIVIL LIBERTIES NEWS

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### CRIMINAL JUSTICE REFORM | VOTING

## COUNTY ATTORNEYS ARE SOME OF THE MOST POWERFUL PEOPLE IN THE CRIMINAL JUSTICE SYSTEM.

## AND YOU ELECT THEM.

The role of the county attorney is one of the best kept secrets in the criminal justice system. County attorneys decide who gets charges filed against them, the severity of those charges, or if charges get filed at all. They hold immense power and discretion.

And they're elected officials.

It can be hard to know who your county attorneys are, let alone where they stand on criminal justice reform issues. We are trying to change that.

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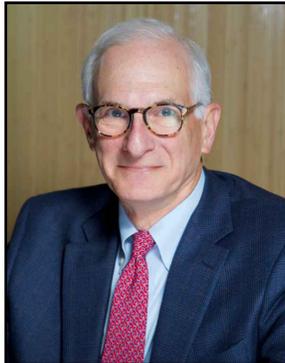
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# WHAT IT MEANS TO BE AN ACLU VOTER



**John Gordon**  
Executive Director

Every culture and religion has “coming-of-age” ceremonies, and I’d been through some of them. But voting was different. Voting is real--playing for keeps, as it were. Marking the transition from childhood to adulthood can seem contrived or artificial is nothing really changes. Voting, though, is the right and the responsibility to participate in our democratic experiment. It’s not something to be undertaken lightly, and I didn’t. I studied the candidates and the issues, made notes for myself, and marched into the voting booth like I was doing something important.

Which I was. Voting signifies that a person is a part of society. And that’s the way I felt when I voted the first time. It’s they way I feel every time I vote.

Voting is more than a personal responsibility; it is a civic duty. Which means that voting is just as much a community obligation as a personal one. When we vote, we are making choices that not only affect us, but also every single other person living in this country.

The National ACLU has launched its ACLU voter campaign. ACLU voters are individuals who demand that candidates for public office protect our democracy, end discrimination, and expand rights.

Most importantly, an ACLU voter fights for a nation with liberty and justice, not for some of us, but for all of us. Yes, an ACLU voter votes like their rights depend on it. But an ACLU voter also votes like your rights depend on it. Because they do.

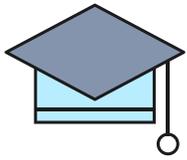
At the ACLU of Minnesota, we are excited to be joining the Campaign for Smart Justice this fall. A major component of the campaign will be doing voter education and outreach, specifically about criminal justice reform issues. As an advocacy organization committed to protecting and advancing civil liberties, helping people not only understand, but also actualize their rights only makes sense.

Everybody deserves to have a voice in our democracy. When you look at the platforms up and down the ballot this fall, make sure civil rights and civil liberties prevail. Your vote matters. Not just to you. But to all of us.

A handwritten signature in black ink that reads "John B. Gordon". The signature is written in a cursive, flowing style.

## CASE FOR FAIR AND EQUAL ACCESS TO EDUCATION WILL MOVE FORWARD

Brown v. Board of Education is one of the most notable court cases of the past century and a cornerstone in the civil rights movement. It established that racial segregation in U.S. schools was unconstitutional.



**Saint Paul and Minneapolis public schools are more segregated today than in the 1970s.**

But racial segregation didn't end after Brown v. Board of Education. It took decades for some schools to desegregate. In 1971 parents filed a class-action lawsuit arguing the Minneapolis school district was still segregated. They won their case, nearly twenty years after Brown v. Board of Education.

Many things have changed in the Twin Cities since 1971. But the school districts are still struggling to address racial equity in their schools.

In fact, the Saint Paul and Minneapolis public schools are more segregated today than they were in the 1970s.

Led by Alejandro Cruz-Guzman, multiple families in the Saint Paul and Minneapolis school districts sued the state of Minnesota and others to protect the right guaranteed by the education clause of the Minnesota Constitution: the right to a fair, equitable, and just educational system.

The district court refused to dismiss the lawsuit, but in 2017 the Minnesota Court of Appeals reversed the decision because the case presented a “nonjusticiable political question.” The ACLU of Minnesota filed a friend-of-the-court brief supporting the right to education free from racial segregation.

On July 24, the Minnesota Supreme Court ruled 4-2 that separation-of-powers principles do not prevent the courts from ruling on whether the legislature has violated its duty to ensure an equal education opportunity, free from racial segregation and discrimination. The case will continue in the Hennepin County District Court.

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### NEWS UPDATES

## WHAT YOU NEED TO KNOW

*Just because it doesn't get a headline doesn't mean it's not important.*

**STILLWATER PRISON UNDER LOCKDOWN** // Stillwater prison was under lockdown since July following a killing of a correctional officer. On August 17, the ACLU of Minnesota sent a letter to Commissioner Tom Roy requesting he end the lock down, stating it was unjustified and inhumane to punish inmates for a crime they didn't commit. On August 20, the Minnesota Department of Corrections announced that Stillwater ended its lockdown.

**ACLU OF MINNESOTA RESPONDS TO POLICE SHOOTINGS IN TWIN CITIES** // The ACLU-MN called for transparency and accountability in the shootings of Thurman Blevins in North Minneapolis and William Hughes in St. Paul. When the police kill someone, it affects the entire community. The public has a right to know the details of the incident in a timely manner. We will continue to hold government and police officials accountable to the public.

**WEST HENNEPIN COUNTY POLICE DEPARTMENT TO USE CAMERAS MOUNTED ON GUNS** // West Hennepin County Police are implementing lightweight cameras mounted on their handguns. ACLU-MN Legislative Director Ben Feist made it clear that the gun-mounted cameras should not replace body cameras, stating “We'd miss a lot of the context that a body camera could provide; the gun camera won't show what led up to the gun unholstering.”

visit [aclu-mn.org](http://aclu-mn.org) for more information

# IF YOU WERE COUNTY ATTORNEY WHAT WOULD YOU DO?

A 22-year-old had a mental health crisis at a grocery store. Before mental health mobile crisis units were able to de-escalate his conduct, he threw several canned goods resulting in damage to the cans and minor injury to a bystander's toe.

As a county attorney, you could decide to:

a. Charge him with a felony crime for intentionally causing damage to the physical property of another without consent, and assaulting the bystander, which could result in a prison sentence of up to five years and/or a \$10,000 fine.

b. Refer the case to the city attorney with a recommendation for the misdemeanor charge of assault in the fifth degree, which the maximum time served would be up to 90 days in jail, and/or refer him to a diversion mental health program, where, upon completion, charges will either be dismissed or not filed, and then he would not have to serve any prison time.

While these are just scenarios, our county attorney is responsible for making similar decisions every day.

## CRIMINAL JUSTICE REFORM

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# ACLU OF MINNESOTA LAUNCHES CAMPAIGN FOR SMART JUSTICE

The ACLU of Minnesota is launching its Campaign for Smart Justice in Minnesota. It is part of the ACLU's nationwide campaign to reduce mass incarceration by 50 percent. We are participating because our criminal justice system should be a place where those who have committed violence and those who have suffered from violence can be healed and restored. We envision a community-centered system that prioritizes justice as well as public health and wellness. We envision a system that emphasizes rehabilitation, drug treatment, mental health care, and community and culturally based services. We envision a system that teaches both accountability and compassion to those who have harmed others.

Our campaign is beginning with a focus on prosecutorial reform because we will never truly transform our nation's criminal justice system that criminalizes and end our addiction to mass incarceration until we hold prosecutors accountable. Prosecutors are the most powerful, most unaccountable, and least transparent actors in the criminal justice system.

This November all 87 county attorneys are up for election. We launched a website, [www.votejusticemn.org](http://www.votejusticemn.org), so voters across Minnesota can learn more about the role of county attorneys and about the candidates who are running in their counties. Visit the website to learn more and to get engaged.

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dare to create



You probably have heard that Minnesota has one of the highest rates of incarceration in the country, but that's not the whole story.

According to the StarTribune, when you consider the number of people under correctional control (prison, jail, probation, supervised release) Minnesota has the 14th highest rate in the country.

# COUNTY ATTORNEYS

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As part of our Campaign for Smart Justice, the ACLU-MN is focusing on voter education and outreach in county attorney races. As a nonpartisan organization, we are not working to elect any single individual, but are working to change the culture so people are more informed, engaged and empowered.

The ACLU-MN has worked to hold county attorneys responsible when they violate people's rights. For example, we filed a brief on behalf of 14-year-old Jane Doe, who was charged with dissemination of child pornography by the county attorney in Rice County when she sent an explicit Snapchat to a boy in her class.

The judge dropped the charges, and we were able to get over 500 people to sign a petition saying they do not want their county attorneys to prosecute teenagers under the child pornography statute for sending their own selfies.

But outside of incidents like what happened to Jane Doe, most people don't know who their county attorneys are, let alone what they do.

That's why we sent a questionnaire asking over 100 candidates for county attorney in Minnesota where they stand on criminal justice issues.

Visit [votejusticemn.org](http://votejusticemn.org) to see your candidates for county attorneys and learn about the Campaign for Smart Justice.

“It can be hard to know who your county attorneys are, let alone where they stand on criminal justice reform issues.”

## CRIMINAL JUSTICE REFORM



## POWER TO THE PODCAST PREMIERE SERIES FOCUSES ON COUNTY ATTORNEYS

In September, we launched our first series in our new podcast, Power to the Podcast. The podcast takes a deeper look into civil liberties issues Minnesotans care about, and empowers them to take action.

In our premiere four-part series, “Power of the Prosecutor,” we take a deeper look into the role of county attorneys—who they are, what they do, and how you can hold them accountable.

We have guest speakers, including **Bill Cobb**, Deputy Director in the National ACLU Campaign for Smart Justice; **Nicholas Pressley**, ACLU of Pennsylvania Field Manager; **Mary Moriarty**, Hennepin County Chief Public Defender; and more. We also interview incumbents and challengers running for county attorney in Hennepin and Nicollet counties.

**Listen to the podcast by visiting [www.votejusticemn.org](http://www.votejusticemn.org), or stream or download it on Apple podcasts. And join us on September 26 at Black Dog Cafe in St. Paul from 5:30-7 p.m. for a listening session.** We'll have a Q&A with some of our guests and a chance to learn how you can get more involved.

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visit [aclu-mn.org](http://aclu-mn.org) for more information

## BANNED BOOKS

# THE BUZZ

*Staff recommendations and commentary on civil liberties issues in contemporary culture*

September 23 kicks off Banned Books Week, a nationwide event that celebrates and promotes books that have been banned in the United States, and brings awareness to historical and current-day censorship.

Fighting censorship is not about an abstract value of “protecting unpopular ideas,” but is an ongoing struggle for civil rights, inclusion in public life, and liberation.

Through the 1970s, gay and lesbian periodicals were illegal under federal obscenity laws. Under oppressive censorship, it was very difficult for LGBTQ activists to organize for change.

Even today, five years after the Supreme Court granted the legal right for same-sex marriage, publishers and media still censor LGBTQ content, arguing once again that LGBTQ people and relationships are “obscene” or “inappropriate.”

Rebecca Sugar, producer of the children’s show “Steven Universe,” recently spoke to this point in an interview with Entertainment Weekly, saying: “When you don’t show any children stories about LGBTQIA characters and then they grow up, they’re not going to tell their own stories because they’re gonna think that they’re inappropriate....We need to let children know that they belong in this world.”

The American Library Association says, “Banning books silences stories.” To that I would add: We are made of stories. Stories are powerful, and when we censor them, we tell people who does and who doesn’t belong in our society. So, for banned books week this year, I recommend that you give a book with lesbian, gay, bisexual, or transgender characters to a young person in your life. Some of my favorites are “Luna” by Julie Anne Peters, the Lumberjanes series, or “The Answer” by Rebecca Sugar.

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**Kate Ingersoll, Operations Administrator**



Family separation doesn’t only look like children being torn from their parents’ arms at the border, as we have heard is happening under the Trump administration. Sometimes it looks like parents being arrested and unlawfully held for Immigration and Customs Enforcement (ICE).

That’s what has been routinely happening in Nobles County right here in Minnesota. Nobles County Sheriff Kent Wilkening is exceeding his authority under Minnesota law by refusing to release prisoners who have posted bond, completed their sentences, or otherwise resolved their criminal cases.

Minnesota sheriffs have no legal authority to enforce federal immigration law. Nevertheless, Sheriff Wilkening has unlawfully imprisoned individuals without a warrant—for days, weeks, and even months—without probable cause, and without any other valid legal authority.

Take Rodrigo, for example. He has a green card, but was arrested in April for receiving stolen property. His bond was set, but him and his family were dissuaded by the jail from posting the bond because it was going to hold him for ICE. After his sentencing, Rodrigo was scheduled for release, but Sheriff Wilkening held him for ICE. Rodrigo is still in ICE custody on track for deportation.

It’s not the first time Nobles County has been accused of unlawful anti-immigration practices. In 2015 the ACLU-MN filed a lawsuit on behalf of Jose Lopez Orellana. Jose was arrested in 2014 for a DWI, he pled guilty and bail was set. When his wife showed up to bail him out, she was turned away and Jose was held for an additional ten days at the jail for ICE.

In 2017, the lawsuit was settled. Jose received compensation for his mistreatment and the department agreed to reform its practices. However, the Nobles County Sheriff’s Department continues to flout the court’s orders, so the ACLU-MN is suing t. Again. This time with a class action lawsuit to remind them that immigrants have constitutional rights, and that Sheriff Wilkening is not above the law.

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## FREE SPEECH

# IMMIGRATION RAIDS HARM SOUTHERN MINNESOTA COMMUNITIES



On August 8, Immigration and Customs Enforcement (ICE) agents raided businesses in Nebraska and Minnesota. Over a dozen businesses were raided. Multiple people in southern Minnesota were detained.

The ACLU-MN's Greater Minnesota Racial Justice Project (GMRJP) has been working directly with immigrant communities in southern Minnesota. The raids came just a day before a raid response training that GMRJP was planning with other local organizations in Worthington, Minnesota.

Our Constitution guarantees rights to immigrants no matter their status. The ACLU-MN will fight tirelessly to ensure that due process and equal protections under law are upheld by federal and local agents. If violations of people's rights occurred during the raid, we will take action to ensure the Constitution is upheld and again prove that its decree reaches even the darkest corners of detention centers.

GMRJP was established to protect the rights of the growing immigrant population in southern Minnesota. Over the past year, we have offered over 15 Know Your Rights trainings in southern Minnesota. We will continue to hold not only raid response trainings, but also legal clinics and community storytelling events to educate, empower, and support community members.

The raids are a chilling reminder of the work the ACLU-MN must continue to do, not only to protect but also to advance civil rights so that everybody can actualize the promises of our Constitution and live in dignity and without fear.

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visit [aclu-mn.org](http://aclu-mn.org) for more information

## STAFF UPDATES

# WELCOME JUDY HAWKINSON, DIRECTOR OF PHILANTHROPY

We are thrilled to welcome Judy Hawkinson to the ACLU of Minnesota. Judy brings with her 30 years of experience in the nonprofit sector as a development and marketing professional. She has expertise in developing and expanding major gifts programs and direct marketing.

We look forward to the innovative and creative strategies Judy is going to bring to our team.

You can contact Judy at [jhawkinson@aclu-mn.org](mailto:jhawkinson@aclu-mn.org).

## UPDATE | IMMIGRANT RIGHTS

# MYRIAM PARADA WILL FIGHT HER CASE IN COURT

In March, the ACLU of Minnesota sued the Anoka County Sheriff's Department and Coon Rapids Police Department on behalf of Myriam Parada, who was unlawfully arrested and held for ICE after being a victim of an auto accident.

On July 30, U.S. District Court Chief Judge John R. Tunheim denied a motion by the Coon Rapids Police Department and Coon Rapids Police Officer Nicolas Oman to dismiss Myriam Parada's lawsuit against them.

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**PODCAST  
LISTENING  
SESSION**

September 26  
5:30-7 p.m.  
Black Dog Cafe  
308 E. Prince St.  
St Paul, MN 55101

**POWER *to*  
THE PODCAST**

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