

JUSTICE IN ACTION

2018 ANNUAL REPORT

ACLU
Minnesota

“JUSTICE
IS WHAT
LOVE
LOOKS
LIKE IN
PUBLIC.”

CORNEL
WEST

JUSTICE IN OUR COURTS

- We provided direct representation in nine civil-liberties cases and initiated three new cases.
- We filed seven friend-of-the-court briefs.
- We settled *Emerson v. Leslie*, a case filed in 2017 against Dakota County Sheriff Timothy Leslie to prevent the sheriff from unlawfully seizing DNA. Sheriff Leslie agreed to allow the Dakota County District Court to enter an order against him forbidding illegal DNA collection, and requiring the destruction of all unlawfully collected DNA samples.
- We filed a brief in *Minnesota Voters Alliance v. Mansky*, challenging Minnesota’s electioneering law on the grounds that it is vague and suppresses freedom of speech.

JUSTICE IN OUR LEGISLATURE

- We drafted five bills that were introduced in the Minnesota Legislature.
- We tracked 180 bills related to civil liberties and constitutional rights.
- We testified 30 times.
- We successfully backed a civil-asset-forfeiture-reform bill restoring due process rights for joint owners of forfeited vehicles.
- We defeated multiple bills intended to suppress protest, allow provisional ballots, and limit abortion rights.

JUSTICE IN OUR COMMUNITIES

- We helped clear over 200 warrants at a Warrant Forgiveness Event in Hennepin County.
- We distributed 15,000 free pocket Constitutions around the state to students and at ACLU events.
- We hosted over 30 Know Your Rights trainings, events, and speaking engagements.

THANK YOU FOR YOUR SUPPORT



Jonathan Abram
Board Chair

Whew! What a year it's been!

You and other supporters of the ACLU of Minnesota have been active, engaged, and generous. As a result, our staff and board have been able to achieve a lot, even in what could be called, without fear of overstatement, interesting times.

We'd love to tell you everything we've accomplished on your behalf, but you'd probably rather see us go back to work instead. So we are offering this annual report to highlight some of the ACLU's vital work in Minnesota. We hope you enjoy reading it.

Racism and injustice permeate the criminal justice system. The same system that disproportionately targets African-Americans and Native Americans is growing more brutal every day, devoting more resources to collaborating with federal immigration forces to sweep more immigrants into custody and break up more families. Technology has made it easier for government and big business to spy on us, and our outmoded laws are failing to protect our privacy.

The ACLU is committed to undoing the pervasive unfairness that leaves our communities less equal, less safe, and less free. We are using all of our tools – on the ground, in the courts, in the Minnesota Legislature, in the headlines – to achieve what we have promised ourselves—a more perfect union.

The issues we work on are tough, but we've had some fun, too. Trivia nights, brewery events, musical performances, and other social gatherings help us connect with you and your friends, in addition to reminding all of us that we are better together.

And there are more of us every day. Two years ago we had only about 6,000 members and supporters. That number grew to more than 28,000 in 2017. People said that number would drop when the post-election gloom dissipated. Those people were wrong. Now there are more than 30,000 of you, and we now see more people standing up to be counted all the time. People Power is alive and well.

It's a good thing, because no one gets much done alone. You and your communities need each other, and we need all of you to support the important work that consumes our days. We are proud of our accomplishments, some of which are described in this annual report. But we could not do any of it without your enthusiasm, your energy, and your generosity.

Thank you. We pledge to work hard every day to deserve the support you give us.

A handwritten signature in black ink that reads "Jon Abram".

A handwritten signature in black ink that reads "John B. Gordon".

*Minnesota's
immigrant
population
has tripled
since
1990, and
more than
450,000
immigrants
live here.¹*

IMMIGRANT RIGHTS

The U.S. Constitution protects the rights of all people living in this country. Despite these clear values and protections, the rights of immigrants in our state and across the country are routinely violated. Following the 2016 election, anti-immigration attitudes and beliefs increased, and we are seeing that divisive rhetoric morph into hostile policies and practices in all levels of government.

The ACLU-MN opened our Greater Minnesota Racial Justice Project (GMRJP) in southern Minnesota in 2011. The mission of the office is to decrease racial disparities and institutional discrimination faced by people of color in southern Minnesota. We have a full-time staff attorney and organizers to focus our advocacy. In the past year, we have led 15 Know Your Rights trainings in Southern Minnesota, as well as collaborated on legal clinics and other community events. We advocated for undocumented students following President Trump's announcement ending the Deferred Action for Childhood Arrivals (DACA) program. We sent 619 letters to school superintendents and college presidents across the state of Minnesota letting them know what they can do to support DACA and immigrant students in their schools.

The ACLU-MN also successfully fought against anti-immigration bills at the legislature that would allow police departments to hold immigrants without probable cause for Immigration and Customs Enforcement (ICE), as well as an anti-sanctuary bill.



JUSTICE FOR SAMETH

Sameth Nhean spent a total of 484 days in jail away from his wife and children, held unlawfully by Immigration and Customs Enforcement (ICE). Sameth is one of eight Cambodian men who were all facing deportation, referred to as "The Minnesota Eight." Sameth was brought from Cambodia to the U.S. as a young child and resided as a lawful permanent resident his entire life. As an adult, Sameth made a mistake and served 90 days in jail. For the next eight years, he lived safely and peacefully with his family until August 2010, when ICE arrested him, threw him into jail, and ordered him to be deported. ICE let him go in 2011, after he spent 138 days in custody, when it admitted it couldn't remove him to Cambodia or Thailand.

ICE arrested Sameth again in August 2016, claiming once more that it was about to remove him, but all it did was haul him around from one jail to another. The ACLU-MN filed a petition for a writ of habeas corpus to force ICE to justify his continued detention. **The ACLU-MN, along with his immigration attorney, Danielle Robinson-Briand, fought for Sameth's release and on August 8, 2017, after a total of 484 days in jail, Sameth walked out of the detention facility and into the arms of his wife and children.**

"For the past seven years I have lived with the threat of being ripped from my family at any time," Sameth said. "Living with that fear and spending the last year away from my family have caused so much stress and strain on me and my family. We were all forced to put our futures on hold. The way I was treated by the U.S. government should not happen to anyone. I just want to work and live with my family in peace, the same as anyone else."

JUSTICE FOR ANTHONY



In June 2017, the ACLU-MN released a video of Buffalo Ridge Drug Task Force Officer Joe Joswiak violently assaulting Anthony Promvongsa. Within seconds of pulling Anthony over, Joswiak opened the door of Anthony's car and began punching and kicking him. A second officer, Sergeant Tim Gaul, shut off the dash-camera audio intentionally.

Joswiak then yanked Anthony out of the car, threw him to the ground, and rammed his knee to the back of Anthony's neck to pin him face down on the pavement while both officers handcuffed him.

Joswiak did not give Anthony enough time to follow his orders before he used excessive force, nor did Anthony represent any threat to the officers that warranted the use of force at all, let alone the level of force the officers used. This was a clear incident of police brutality, but the Worthington Police Department and Buffalo Ridge Drug Task Force refused to hold Joswiak or Gaul accountable.

"The assault has left me feeling uncomfortable and scared. When Officer Joswiak approached my car with his gun out, I thought I was going to die," said Anthony.

The ACLU-MN filed a lawsuit against the Worthington Police Department, the Buffalo Ridge Drug Task Force and the City of Worthington, as well as several other officers. The ACLU-MN's Greater Minnesota Racial Justice Project also worked to create a coalition of community partners and activists in Worthington to host forums and identify community-based solutions to police profiling and violence against immigrants.

*In 2017,
Minnesota
police
officers
fatally
shot nine
people.
Since 2009,
seven to 13
people were
killed each
year by
Minnesota
police
officers.²*



POLICE ACCOUNTABILITY

The public should have a role to play in police accountability. Investigations after a police killing should be transparent and thorough. Yet again and again, the families and communities of victims are left in the dark regarding critical details of how their loved ones were killed. The ACLU-MN filed a lawsuit demanding release of the police dashboard-camera footage from the Philando Castile killing. The Minnesota Government Data Practices Act expressly provides that data documenting law enforcement actions that "cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times." Despite this clear guidance, the court ultimately dismissed our case.

The ACLU-MN continues to advocate for police reform, and we have seen some positive change. In August, the Minneapolis Police Department launched a new online data portal that allows the public to access raw data from police interactions. These include suspicious-person and traffic stops, as well as use-of-force data. The database is searchable by race, gender, location of stop, and more. With access to data like this, police-reform activists and concerned residents will be in a better position to identify disparities and press for reform.

²Hargarten, Jeff. "Minneapolis police shootings since 2000: A deeper look at who and where." *Star Tribune*, 15 July 2018. <http://www.startribune.com/minneapolis-police-shootings-since-2000-a-deeper-look-at-who-and-where/435882213>. Accessed 26 July 2018.

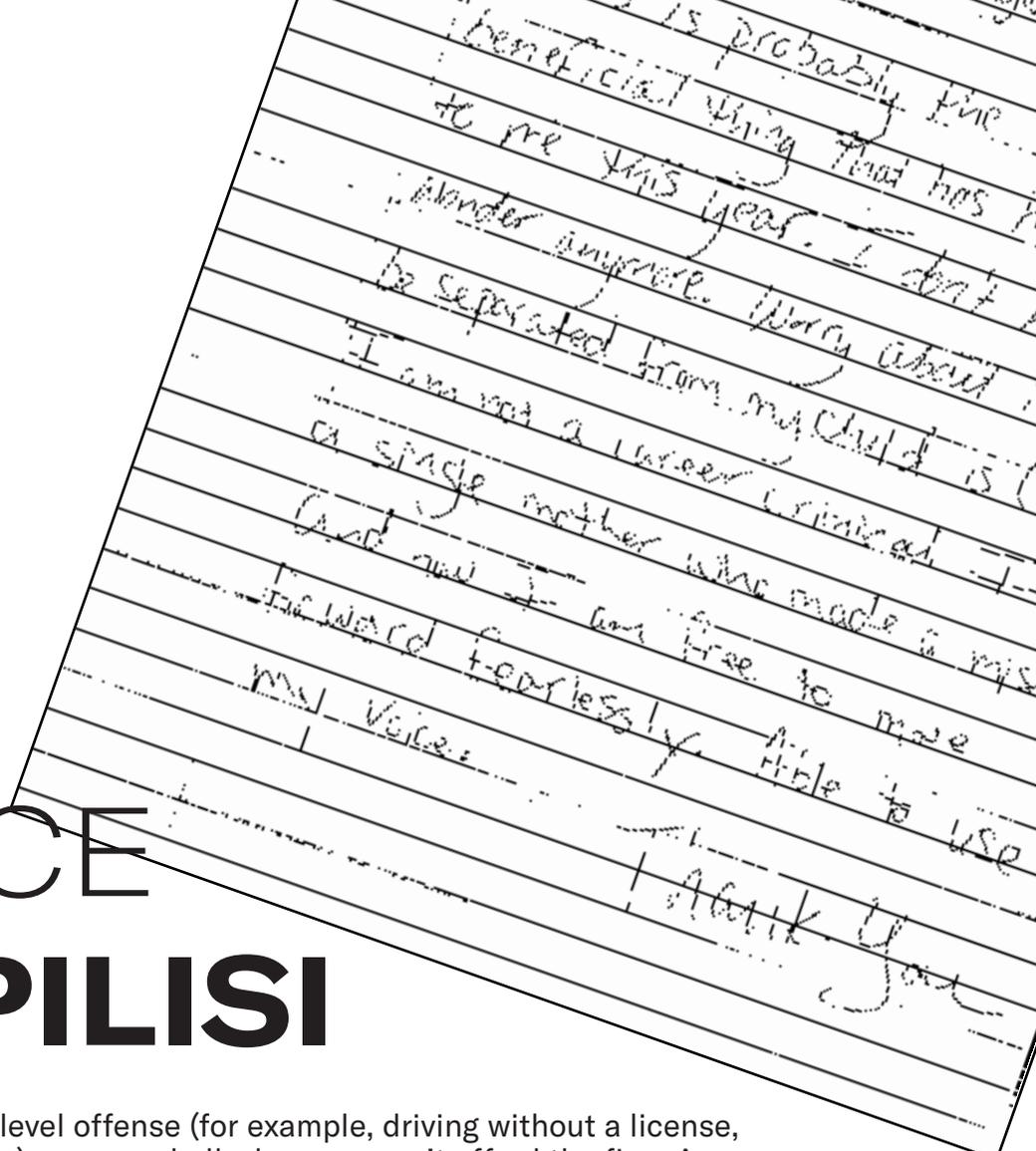
*A study by the ACLU-MN found that Black and Native people in Minneapolis were over eight times more likely to be arrested for low-level offenses than white people.*³



CRIMINAL JUSTICE

Despite protections in the Constitution against racial discrimination, our criminal justice system continues to perpetuate inequities and major civil liberties violations. While policing is a component of criminal justice reform, the ACLU-MN is also fighting to end excessively harsh policies that result in mass incarceration, over-criminalization, and racial injustice.

In 2017, we helped draft and push for a civil-asset-forfeiture bill that would allow innocent joint owners to file a claim in court when their jointly owned vehicle is seized due to the other owner's violation of Minnesota's DWI laws. The bill successfully passed during the 2017 session, a critical step towards civil asset forfeiture reform. We have continued to push for criminal justice reform at the Minnesota Capitol with bills addressing probation caps, voting-rights restoration, and youth sentencing. We are a part of the Restore the Vote Minnesota coalition to help restore the voting rights of over 50,000 Minnesotans whose voting rights have been stripped away due to a felony conviction.



JUSTICE FOR **PILISI**

Having a warrant for a low-level offense (for example, driving without a license, disorderly conduct, loitering) can snowball when you can't afford the fine. An active warrant can make it hard for individuals to get a job, secure housing, and move forward with their lives. Many people with outstanding warrants live in fear of arrest. Take, for example, Pilisi Lane, who flew all the way from Phoenix, Arizona, to resolve a Minneapolis warrant during Hennepin County's Warrant Forgiveness Day. Pilisi told reporters that warrant forgiveness sounded too good to be true, but she was moved to tears when her warrant was finally resolved. Now she is hoping her employer will move her into full-time employment with benefits.

Pilisi is just one of 230 people whose cases were resolved during Hennepin County's Warrant Forgiveness Day in May 2017. The event was a collaboration between NAACP Minneapolis and the ACLU-MN. Typical experiences with the criminal justice system can be fraught with anxiety, fear, or distrust. We worked to create a one-stop shop for people to resolve their warrants, do community service hours in the same building, and visit expungement clinics. The event was hosted in the community and not a courthouse to make it as comfortable as possible for people.

One person wrote to the ACLU-MN, stating, "This is probably the most beneficial thing that has happened to me this year. I don't have to wonder anymore. Worry about if I'll be separated from my child is GONE!! I am not a career criminal. I am a single mother who made a mistake and now I am free to move forward fearlessly. Able to use my voice. Thank you."



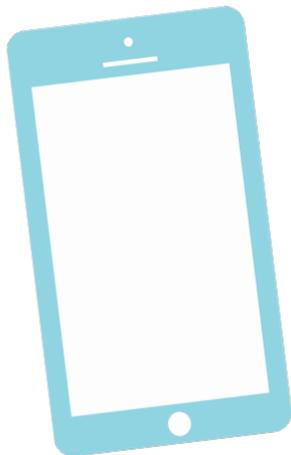
JUSTICE FOR **JANE**

There are many things a 15-year-old girl might worry about—what electives to take in school, next week’s midterm, or prom. Which bathroom to use should not be one of those things. Jane had the support of her school to use the bathroom that aligns with her gender identity. But a small group of parents, acting through an organization they named “Privacy Matters” and represented by the anti-LGBTQ legal organization Alliance Defending Freedom, sued against the Virginia (Minnesota) Public Schools and the U.S. Department of Education for protecting Jane from discrimination.

The ACLU-MN argued in her case that Jane has a right to be free from discrimination on the basis of her sex under the Constitution and Title IX, a federal law that prohibits sex discrimination in educational institutions that receive federal funding. We also argued that using the girls’ locker room and restroom is a critical part of Jane’s medical treatment, and has improved Jane’s health and well-being.

In April 2017, Alliance Defending Freedom announced that it was dismissing the case. The misinformation and discrimination of anti-transgender advocates simply won’t hold up in court.

The Minnesota Student Survey estimates that 10,000 high school students in Minnesota currently identify as transgender and gender non-conforming. One third of those surveyed experienced bullying due to their gender—seven times more than their cisgender peers.⁴



YOUTH RIGHTS

Protecting the rights of LGBTQ students in our state was a critical part of our work in 2017. We fought against anti-LGBTQ bills at the legislature, including an anti-transgender bathroom bill and a ban on transition-related health care. After the Department of Health and Human Services (HHS) announced a proposed “conscience” rule in March, the ACLU-MN released a public comment discussing how that could hurt LGBTQ rights in our state. We also collaborated on two blogs, one with a local organization, Gender Justice, and another with a transgender military veteran, to discuss how federal anti-transgender policies hurt young people in our state.

In 2018, young people across the country and state also participated in student walkouts and other demonstrations. Leading up to the events, we released Know Your Rights information, as well as resources on how to report violations. We created a one-page guide for students on their rights to participate in protests or walkouts, and we sent 300 letters to Minnesota school superintendents encouraging them to support students’ civic participation.

We have also fought for student privacy. In December, Rice County charged a young girl with distribution of child pornography because she sent an explicit Snapchat of herself to a boy in her class. Had she been found guilty, she would have been placed on the sex-offender registry for up to 10 years. The ACLU-MN submitted a brief in her case, and in March the judge dismissed her case. We have also fought for student data privacy at the legislature to protect how and when students’ private data is stored, and to limit who has access to their data.

⁴Minnesota Department of Education. “Minnesota Student Survey.” <https://education.mn.gov/MDE/dse/health/mss/index.htm>. Accessed 26 July 2018. 11

*A 2017 Pew
Research
Center survey
found that
75 percent
of American
Muslims felt
there was
“a lot” of
discrimination
against
Muslims in the
United States.⁵*

RELIGIOUS FREEDOM

Only days after his inauguration, President Trump ordered the Muslim Ban. The ACLU-MN was at the airport, supporting protests against this unconstitutional and discriminatory ban targeting Muslim-majority countries. We shared Know Your Rights information and informed people about where to report civil-liberties violations. We have continued to collaborate with activists and organizations to resist the Muslim Ban and its subsequent iterations, and to educate the community about the unconstitutionality of President Trump's order.

In April, the ACLU-MN filed a Freedom of Information Act (FOIA) lawsuit together with the ACLUs of Illinois, Indiana, Iowa, Kentucky, Missouri, Nebraska, Ohio, South Dakota and Wisconsin demanding government documents about the implementation of President Trump's Muslim Bans. The lawsuit is seeking records from U.S. Customs and Border Protection's (CBP) regional field office in Chicago. In particular, the lawsuit seeks records related to CBP's implementation of President Trump's Muslim Bans at Minneapolis-Saint Paul International Airport. The ACLU-MN first sought this information through FOIA requests submitted to CBP earlier in 2017. Since the government failed to substantively respond, the ACLU-MN sued.





JUSTICE FOR THE WILWALS

U.S. citizens Abdisalam Wilwal and Sagal Abdigani and their four children were driving back to their home after visiting family in Canada. At the U.S.-Canada border, Border Patrol agents suddenly surrounded their vehicle with guns drawn, took Abdisalam into custody without explanation, and held him for more than 10 hours. He was kept handcuffed without food or water until he passed out and required medical attention. Officers questioned him about his family, work, and religion.

Meanwhile, the Border Patrol agents also detained Sagal and the four children. For hours, the agents refused to give them food. Sagal had to ask repeatedly for her children to be fed. After six hours, the agents gave food to the children, but nothing to Sagal. Border Patrol agents took their 14-year-old into a separate room and patted him down. An agent attempted to do a strip search, which the son refused. The entire time, the children feared for their lives. Abdisalam and Sagal's eight-year-old child speculated, "Maybe they'll kill us after sunset." No one ever explained why they were being detained or where Abdisalam was being held. When Sagal tried to call the police, they took away her phone.

After their release, Abdisalam and Sagal went to the local FBI and Department of Homeland Security offices to report the incident. At that point, Abdisalam was informed that his name is on a "watch list." But he wasn't told why he was added to the list or how to remove his name.

In July 2017, the ACLU and the ACLU-MN filed a lawsuit on behalf of the Wilwal family, including their children.

JOIN THE MOVEMENT

1. GIVE

Make a donation to the ACLU of Minnesota and help ensure that we can continue to advance and protect rights in our state.

To give by mail, please make checks payable to ACLU of Minnesota and send to PO Box 14720, Minneapolis, MN 55414.

You can also contact Molly Miller Mons at 651-529-1696 or visit www.aclu-mn.org/donate.

2. VOLUNTEER

We have multiple opportunities throughout the year to volunteer, from events to door knocking. Sign-up for our email list at www.aclu-mn.org and watch for opportunities to stay engaged.

3. CONNECT



[FACEBOOK.COM/ACLUMN](https://www.facebook.com/ACLUMN)



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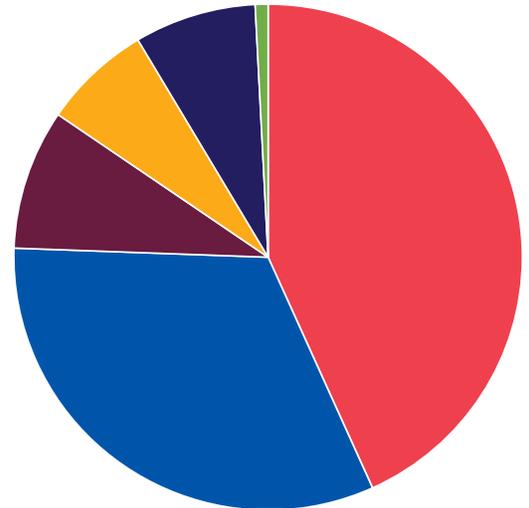
WWW.ACLU-MN.ORG

FINANCIAL SUMMARY

2017-2018 REVENUE

- ANNUAL CONTRIBUTIONS: \$1,063,424
- MEMBERSHIP: \$794,169
- NET REVENUE SHARING FROM ACLU NATIONAL: \$220,041
- GRANTS: \$169,900
- EVENTS NET OF COSTS: \$190,273
- OTHER REVENUE: \$20,035

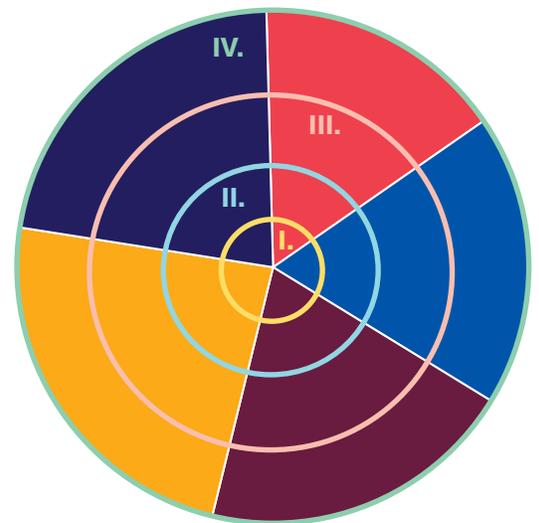
TOTAL: \$2,457,842



2017-2018 EXPENSES

- I. CORE MISSION SUPPORT—FUNDRAISING: \$87,535
- II. CORE MISSION SUPPORT—MANAGEMENT AND ADMIN: \$231,119
- III. SHARED PROGRAM EXPENSE: \$323,610
- IV. DIRECT PROGRAM EXPENSE: \$769,382

TOTAL: \$1,411,646



- LOBBYING
- PUBLIC EDUCATION
- COMMUNICATIONS
- GREATER MINNESOTA RACIAL JUSTICE PROJECT
- LEGAL

Source: Audited combined financials for the 2017-2018 fiscal year (April 1, 2017 - March 31, 2018) of the ACLU of Minnesota, a 501(c)(4) tax-exempt nonprofit organization, and the ACLU of Minnesota Foundation, a 501(c)(3) tax-exempt nonprofit organization.

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***Illustrations on pages 7, 8,
and 12 by Tori Hong**

**“THE GREAT SOCIAL
JUSTICE CHANGES IN
OUR COUNTRY HAVE
HAPPENED WHEN
PEOPLE CAME
TOGETHER, ORGANIZED,
AND TOOK DIRECT
ACTION.”**

DOLORES HUERTA

ACLU
Minnesota