

ACLU Minnesota CIVIL LIBERTIES NEWS

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GREATER MINNESOTA RACIAL JUSTICE PROJECT

ACLU OF MINNESOTA FILES LAWSUIT IN POLICE BRUTALITY CASE

Anthony Promvongsa worked as a caregiver for his grandmother in Worthington, Minnesota. He wanted to do more, so with the encouragement of his girlfriend, he signed up for a GED class.

That's where Anthony was headed to on July 28, 2016, when two off-duty police officers stopped Anthony in the middle of the road and accused him of tailgating. He didn't want any trouble, so he turned around

and headed home. But on his way back, he saw the flashing of police lights. Without knowing why he was being stopped, he pulled to the side of the road.

What happened next is textbook excessive force.

Officer Joe Joswiak rushed out of the police car, yelling expletives. He pulled out his

gun, yanked open the door, and before Anthony could even have a chance to follow orders, began to kick and punch him. Joswiak hit Anthony so hard that Anthony's shoes came off.

The other officer on the scene, Sgt. Tim Gaul, can be seen in dashboard camera footage obscuring himself behind the vehicle just as the audio suddenly cuts out.

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EXECUTIVE DIRECTOR'S CORNER

NEW ACLU-MN EXECUTIVE DIRECTOR ON BEGINNINGS AND ENDINGS



This column, the first that I have the honor to write as the new executive director of ACLU of Minnesota, begins with a question: Why do you live here in Minnesota? If you are not asking yourself that question, as the daylight hours wither and the frigid air blows in, you are a rare bird. It's a question worth asking.

We are proud of our thousands of lakes, but we should be even more proud of our thousands of communities, in which we take care of and protect each other.

As supporters of the ACLU of Minnesota, tens of thousands of you prove that you care about each other and about everyone who is privileged to live in this state. You are not just sitting on your hands; you are working to protect the civic health of our community against the powerful forces that pose threats to it.

Those threats include racial disparities that permeate our policing, our courts, and our jails and prisons; abusive policies aimed at women and the LGBTQ community; assaults on the precious right to vote that all citizens should have; diminished personal autonomy caused by technology; and failures to protect public forums as places where ideas can be exchanged and debated.

But there is good news: The end of the year provides many opportunities to enhance your support of the ACLU. For example, consider giving memberships to the ACLU of Minnesota to family and friends as holiday gifts. They matter—not just to the recipient, but also to everyone who benefits from our work. (Which is to say: everyone.) Or you could make an additional contribution to the ACLU of Minnesota Foundation in honor of an individual.

We are headed together toward January, named after the Roman god of beginnings and endings. We may be at the end of the beginning of the current administration, as it ramps up its campaign of brutalizing and terrorizing the most vulnerable members of our community. But I hope we are at the beginning of the end—the end of tolerating divisiveness, fear, and hatred.

As we enter a blustery Minnesota holiday season, we contemplate how much we have in common with each other. Thank you for joining us to resist the forces that seek to divide us.

Sincerely,

A handwritten signature in dark ink, appearing to read "John B. Gordon".

John Gordon
Executive Director

JUSTICE FOR ANTHONY

...CONT'D FROM PAGE 1

Anthony sustained bruises from the incident. He lost his job as a caregiver. The officers charged him with multiple felonies, so now he is dealing with fees and probation.

The assault garnered national coverage after the dashboard camera footage became public. But, over a year later, neither Joswiak nor Gaul has been disciplined.

That's why this November the ACLU-MN filed a lawsuit on Anthony's behalf against the city of Worthington, the Worthington Police Department, the Buffalo Ridge Drug Task Force, and the two officers involved.

"I want the system to change, because the system is broken here," Anthony said. "Worthington has a problem with policing and it's only getting worse."

Read Anthony's blog and watch a video of the assault on our website at aclu-mn.org.

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Community-based initiatives, community based solutions

Following the 2016 election, the ACLU-MN Greater Minnesota Racial Justice Project (GMRJP) collaborated with community organizations and activists to offer trainings and programming for immigrants. From that organizing, the Worthington Immigrant Task Force was formed.

The task force has been meeting regularly and talking with local community members in Worthington, Minnesota. After the video of Anthony Promvongsa's assault by a local police officer was made public, the task force began to tackle the systemic issue of overpolicing and community concerns.

The task force released its recommendations for law enforcement and city leaders this fall. Its requests include discipline for the two officers involved, as well as police trainings, law enforcement diversity, and the establishment of a Worthington Human Rights Commission.

Review the task force's full list of requests by going to <http://bit.ly/TaskForcePetition>.

NEWS UPDATES

WHAT YOU NEED TO KNOW

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

MINNEAPOLIS POLICE DEPARTMENT LAUNCHES PUBLIC DATABASE // In September the Minneapolis Police Department (MDP) released a public database on police stops. It was one of the most comprehensive databases of its kind. In November the MPD took additional steps towards transparency by releasing information on use of force and police-involved shootings. The database includes demographic data, as well. Check it out at www.insidempd.com/datadashboard.

COMMENT PERIOD OPEN ON ENBRIDGE LINE 3 FINAL ENVIRONMENTAL IMPACT STATEMENT // ACLU-MN submitted a public comment to the Minnesota Public Utilities Commission on the Enbridge Line 3 pipeline that threatens treaty land and Native resources in Minnesota. ACLU-MN argued that, if left unaddressed, the environmental damage could disproportionately harm Native communities and place an undue burden on them to respond to the aftermath when pipeline damage occurs.

ICE RELEASES POSSIBLE PLAN TO EXPAND DETENTION SITES IN MINNESOTA // Immigration and Customs Enforcement (ICE) released a request for information regarding the Twin Cities as a possible site of detention expansion. ACLU-MN joined other affiliates and nonprofit organizations arguing against expansion which would undermine due process and civil rights in our state. Read the letter at <https://www.aclu.org/news/aclu-responds-ice-plans-expand-detention-sites-four-major-cities>.

ACLU PLANS FOR CASES AT THE SUPREME COURT // The National ACLU is preparing for big cases at the Supreme Court this fall. In *International Refugee Assistance Project v. Trump*, ACLU will be arguing against the unconstitutional Muslim travel ban. In *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, ACLU will fight against an attempt to legalize discrimination against same-sex couples. And in *United States v. Carpenter*, the ACLU is fighting a case that, if lost, would significantly undermine digital security and privacy. Learn more at <https://www.aclu.org/defending-our-rights/court-battles/supreme-court>.

visit aclu-mn.org for more information

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ADVOCACY • EVENTS

CELEBRATING A LEGACY OF CIVIL LIBERTIES LEGAL ADVOCACY



Award recipient Charles “Chuck” Samuelson proudly stands with his award alongside ACLU-MN board members.



Chuck Samuelson reflects on his 20-year tenure at the ACLU-MN.

On November 30, community members gathered in Minneapolis to celebrate the legacy of Charles “Chuck” Samuelson, the former executive director of ACLU-MN.

Chuck was this year’s recipient of the Earl Larson Award, given annually to recognize a person in the legal community who has pursued a lifelong commitment to justice and civil liberties work.

Thank you to everyone who came out to celebrate Chuck’s 20-year tenure at the ACLU, advocating for racial justice and working to reduce disparities and civil rights violations in the state of Minnesota.

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OTTO V. WRIGHT HEADS TO THE MINNESOTA SUPREME COURT

Minnesota State Auditor Rebecca Otto initially sued Wright, Becker, and Ramsey counties back in 2016 because she wanted to fight a provision that allowed counties to use private auditors instead of her office.

Her case has since evolved into a bigger issue of government transparency and the integrity of our legislative branch.

The Minnesota state legislature voted on and passed a provision in 2015 allowing counties to hire private auditors. They did so by adding it on to an unrelated omnibus finance bill. The practice of adding unrelated riders is common among state and federal legislators. Sometimes it is done to expedite or streamline processes. Other times it is done to force negotiations and swiftly pass legislation without proper debate.

Regardless of the motivations, people have a right to know what their legislators are voting on. When provisions are buried and obscured in unrelated bills, transparency and civic engagement are compromised.

That is where the Single Subject and Title Clause comes into play. The Minnesota State Constitution, Article IV, Section 17, reads: *“No law shall embrace more than one subject, which shall be expressed in its title.”*

But a law is only as strong as its enforcement, and unfortunately, the Single Subject and Title Clause is routinely undermined.

Otto v. Wright County has been scheduled as the first case for oral argument in the Minnesota Supreme Court on Wednesday, January 3, 2018. Will it be business as usual for the Minnesota legislature? Or will the judicial branch stand up for the integrity of the Single Subject and Title Clause? We'll find out in the new year.



NO, SHERIFF LESLIE. YOU CAN'T HAVE MY DNA.

After months in court, Dakota County Sheriff Timothy Leslie finally agreed to cease warrantless collection of DNA this October. He also agreed to destroy the DNA he and his officers had been unlawfully collecting for nearly two years. This is a major win for privacy and policing in Minnesota.

Sheriff Leslie resumed the practice in 2015 after the U.S. Supreme Court ruled that the U.S. Constitution does not prohibit the practice of warrantless DNA collection. The ruling, however, did not overrule the Minnesota court decision that the practice violates the Minnesota constitution.

When Sheriff Leslie attempted to collect John Emerson's DNA without a warrant, ACLU-MN sued on his behalf. Not only did Dakota County settle, the court issued a permanent injunction prohibiting the sheriff's practice.

Your DNA is your property. Law enforcement should not unlawfully take it and place it in a criminal database.

Law enforcement agents, including Sheriff Leslie, do not make the law. And ACLU-MN has sent a clear message that if they decide to ignore court rulings, we will hold them accountable.

Sheriff Leslie violated a Minnesota court ruling in place for over a decade. In 2006 the Minnesota Court of Appeals invalidated a statute that required law enforcement to collect DNA samples from people charged, but not convicted, of certain crimes.

The court determined the practice was in violation of the Fourth Amendment of the U.S. Constitution, as well as Article 1 §10 of the Minnesota Constitution.

“Your DNA is your property.”

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WHAT'S NEXT FOR DACA?

Over 6,300 Dreamers live, work, and go to school in Minnesota. When President Trump announced plans to end the Deferred Action for Childhood Arrivals (DACA) program back in September, the lives of those Dreamers were placed on hold.

DACA renewals were denied due to mismanagement by the U.S. Postal Service, despite having been delivered weeks ahead of the deadline.

These are examples of continued hostility towards immigrants by

In October ACLU-MN sent 619 letters to school superintendents and college presidents detailing recommendations to help protect learners in our state.

K-12 students have a constitutional right to an

Want to support Minnesota Dreamers? Visit our website for more information on how you can get involved: <https://www.aclu-mn.org/en/campaigns/protect-minnesota-dreamers>.

The Constitution protects everyone living in the United States, regardless of immigration status. Until their DACA status expires, DACA recipients should have access to all of their benefits.

Yet DACA recipients across the country and here in Minnesota are reporting violations. People are being threatened with deportation despite following all of the stipulations of the program. Additionally, eligible

the current administration. And as Congress continues to stall on passing the DREAM Act that would protect Dreamers, the fate of thousands of people in our state remains uncertain.

ACLU-MN's Greater Minnesota Racial Justice Project (GMRJP) has been working directly with immigrant communities in our state to not only defend the rights of Dreamers, but also proactively help schools and community partners support immigrants.

education, regardless of their immigration status. And our communities are stronger when everyone in our state has access to a quality education.

The ACLU is currently working nationally to push legislators to pass a clean DREAM Act. In the meantime, ACLU-MN will continue to work in the community and with schools to fight civil rights violations hurting immigrants in our state.

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PHILANTHROPY

DONOR SPOTLIGHT: ALL ARE WELCOME HERE

All Are Welcome Here is a creative collective that works for meaningful social change and community engagement through design. The founders donate a portion of the proceeds to ACLU-MN.

"Since November of 2016, we've raised more than \$30,000 for the ACLU. But beyond the easy-to-measure financial impact, we've also heard the stories and seen the emotional responses from our community. A Somali employee felt more comfortable in her workplace because of our Somali language sign in her manager's office. A cardiologist at a children's hospital wears a button in Spanish on her coat to comfort her patients and their parents who don't speak English. The family with a gender-nonconforming child who attended our children's Pride event because they knew all families would be welcome. We've helped create alliances and we know that the ACLU is an ally in protecting our families, friends, and neighbors."

KNOW YOUR RIGHTS: SUPER BOWL & DIGITAL SECURITY

The Super Bowl is considered a Special Security Event by the Department of Homeland Security (DHS). With over a million tourists expected to visit the Twin Cities, an increase in policing and security is expected. If you are planning on engaging in protests and direct action related to the Super Bowl, or if you are concerned about digital security and government surveillance, read on to learn about exercising your constitutional rights to privacy and protest.

YOUR RIGHT TO PROTEST

- You have a constitutionally protected right to peacefully protest in “traditional public forums” such as streets, sidewalks, or parks. The government can impose “time, place, and manner” restrictions, as long as they are not based on content. Be aware of any city or county ordinances regulating First Amendment activities during the Super Bowl.
- In Minnesota, a person who attempts to conceal their identity in a public place by means of robe, mask, or other disguise, unless based on religious beliefs or incidental to protection from the weather, could face misdemeanor charges.
- Under the USA Patriot Act, non-US citizens who are not permanent residents can be investigated because of their First Amendment activities. Immigrants who choose to engage in a protest should carry with them the telephone numbers of friends and relatives, as well as the telephone numbers of an immigration attorney or an immigrant advocacy organization.

Visit aclu-mn.org/en/know-your-rights/right-protest for more information.

PRIVACY MATTERS

- Super Bowl surveillance techniques may include street cameras, facial recognition software, and social media tracking. Also expect increased airport security.
- The Super Bowl is a 10-day festival that will take place starting January 26, 2018. If you are engaging in events at or even near the festival, expect to be under surveillance.
- Integrated security can match facial recognition software with social media, so be aware of what you are posting on any social media accounts leading up to and during the events.
- Use applications like Signal and WhatsApp for stronger encryptions to protect your text and voice communications.
- Remove the fingerprint unlock on your phone to prevent police from asking you to unlock your phone using this feature. Use traditional password locks instead.
- Take photos and videos without unlocking your phone, if possible.

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THE BUZZ

Staff recommendations & commentary on civil liberties issues in contemporary culture

The ABC show *How to Get Away with Murder* is likely every lawyer’s and legal scholar’s nightmare. The show is notoriously dramatic—often depicting scandalous legal scenarios fraught with corruption (completely unrealistically, I might add).

In November, the show aired the sixth episode of the fourth season, “Stay Strong, Mama.” The episode centers around Claudia, whose mother is at risk of losing her house. The District Attorney is threatening to seize it because now-incarcerated Claudia previously sold drugs on the premises.

While certainly sensationalized for television, the practice being referenced is far from fictional. Civil asset forfeiture is real and can result in the police and government seizing property if it is even suspected to have been used during a crime.

ACLU-MN has been fighting against civil asset forfeiture for years. Just this past legislative session, ACLU-MN was able to secure a forfeiture reform that protected innocent joint owners of seized vehicles.

Television plays a powerful role in depicting the real consequences that civil liberties violations have on the individuals and families involved.

When shows depict criminal justice issues, these topics enter the public sphere of conversation. Discussions about civil asset forfeiture become more accessible. Shows like HTGAWM may not end unfair police practices, but they may inspire viewers to take action against them.

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PERIODICAL

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