

ACLU

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

CIVIL LIBERTIES NEWS

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Racial Profiling Case Advances

The ACLU of Minnesota's long running Racial Profiling Case, *Berg v. DEA* (Drug Enforcement Administration) survived summary judgment! In February, Judge Davis denied the DEA's motion for summary judgment in the long standing racial profiling case against the DEA. In his brief he wrote "The Court has already concluded that a reasonable juror could find that [Key] did not have reasonable articulable suspicion to stop Berg based on Berg's actions. This, coupled with the fact that [Key's] cold-stops were overwhelmingly minority persons, could lead a reasonable juror to conclude that the "no bags," "little bags," "computer bags," "heavy bags," and other innocuous criteria upon which [Key] based her suspicions must apply equally to people of all races who deplane from source cities. Thus, a question remains as to why [Key's] cold-stops were overwhelmingly minority persons, and particularly why [Key] stopped Berg." Check our website at www.aclu-mn.org for updates on this case.

Background

On the morning of February 26, 2001, Ms. Berg arrived at Minneapolis-St. Paul International Airport on a domestic flight from Los Angeles. Because she was fatigued from the flight, she placed her carry-on bag down at her feet while she was on the moving sidewalk. She collected her other piece of luggage at the baggage claim, and was intending to exit the terminal to catch a shuttle that would transport her to her home in Minneapolis. She used an elevator to reach the exit level and before the doors closed, a man and a woman ran to catch up to her in the elevator. They identified themselves by flashing their badges as Drug Enforcement Agents as she got off the elevator.

The agents stopped Ms. Berg and demanded to search her carry-on bag, indicating that it was their job to intercept persons at the airport bringing in money for laundering or drugs. Ms. Berg questioned the stop and demand to search and asked why she was being singled out. The agents stated that Ms. Berg's decision to place her carry-on bag at her feet earlier while on the moving sidewalk indicated that her bag looked heavy, which made her a suspect. When Ms. Berg objected, the male agent told her not to be indignant

Berg v DEA Continued on Page 6

Michael Goldner receives the Earl Larson Award

Inside This Issue

Page 2From the President
Page 3 ..From the Executive Director
Page 4From the ACLU
Page 5-6 Legal Updates
Page 7.....Ask a Question
Page 8.....GMRJP Updates
Page 9.....Molly Ivins
Page 10-11.....Annual Meeting

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This past November Michael Goldner was honored with the 10th Annual Earl Larson Award.

As President of the ACLU-MN Board of Directors, Goldner reintroduced the organization to the Twin Cities legal community, increased its funding, expanded its legal program and implemented a series of governance reforms that has lead the organization into the 21st Century as a strong force for civil liberties and government accountability. As Chair of the ACLU-MN Foundation Board, Goldner has continued his work of strengthening and expanding the organization.

In addition to his service on the ACLU-MN and ACLU-MN Foundation Boards, he has served on numerous community boards including the Guthrie Theater Foundation, the Saint Paul Port Authority, the Saint Paul Riverfront Corporation, the Saint Paul Chamber Orchestra, the Minneapolis Club, the Blake School, and Washburn Child Guidance Center.

The Award, named for the late Judge Earl Larson, the founder of the MN Civil Liberties Union, is given each year to an attorney who has demonstrated a life long commitment to civil liberties. Previous awardees have included former vice president Walter Mondale, Leonard Lindquist, former Justice Rosalie Wahl, Doug Hall and former Judge Jack Davies.

From the President

Susan L. Jacobson



The End of Term

In April, I will step down as president of the ACLU of Minnesota and turn over the job to Therese Marso. Therese is an experienced board member and a dedicated civil libertarian. We have worked together closely this past year since she became president-elect and I know she will do a wonderful job as president.

As I look back over my term I am impressed with how much we have grown. Our budget is almost 60% greater than it was two years ago. We have almost doubled our staff. We have to turn away law student volunteers for lack of space. We have dozens of other volunteers and hundreds of people on our action alert list (which you can be a part of! – just e-mail pubed@aclu-mn.org).

As our resources have grown, so has our mission. We've been able to take more cases, both within and outside the Twin Cities metro area. In courtrooms across the state, ACLU volunteer attorneys stand up to represent individuals whose rights have been violated by our government. And the cases that end up in the courtroom are just the tip of the iceberg, since our staff and volunteers also work behind the scenes in support of civil liberties, making phone calls and writing letters, with remarkable success.

We have expanded our presence in Greater Minnesota. We have expanded the staff of the Greater Minnesota Racial Justice Project (GMRJP), and with the expanded staff we have begun monitoring the courts in Beltrami and several of the surrounding counties. This past November, three of the five counties in

our target area elected new sheriffs, and all five candidates for the Beltrami County sheriff interviewed with the ACLU. In addition, we continue to pursue cases on behalf of Native Americans in cities across Minnesota.

We also continue to expand our public education efforts. We have distributed two new curricula on the Bill of Rights and the Fourth Amendment. Hundreds of teachers are using these curricula in their classes. We have started a speakers bureau and have developed the first two of what promise to be more than half a dozen presentations on the First, Fourth, Fifth, Sixth and Fourteenth Amendments. During the last two years the ACLU of Minnesota has distributed more than 15,000 copies of the US Constitution to school and civic groups across the state.

And we continue to work at preventing bad bills from passing at the State Capitol. With the help our lobbyist and public relations people, we've been able to get greater exposure and to offer more testimony at the State Capitol. We've even been able to start speaking to legislators about passing "good" civil liberties bills.

We thank you Susan for your outstanding leadership!

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Newsletter

Editor.....Jana Kooren
Contributors.....Teresa Nelson,
Charles Samuelson, Susan Jacobson & Rebecca Rand

From the Executive Director

Charles "Chuck" Samuelson



Time to Manage for Racial Parity in Minnesota

The papers are full of the war in Iraq and the doings in the state legislature. These are important subjects and ones that deeply interest many of us. Yet quietly your civil liberties union is working to heal wounds that affect all of us in silent ways.

For the past two and a half years, the ACLU of Minnesota has had an office in Bemidji, dedicated to erasing the racial disparities in the criminal justice system in Minnesota. While many in the US consider Minnesota to be a bastion of fairness and liberalism in the Mid-West, there are those of us who know that our Supreme Court has found that significant disparities exist between how we treat whites and people of color in our criminal justice system.

The Supreme Courts' Race Bias Report found that minorities were 16 times more likely to be incarcerated than were white males. That disparity in treatment is the largest of any state in the country.

That was one reason why the ACLU of Minnesota went to northern Minnesota. We also went there because the Native American population was isolated from the resources available in the Twin Cities. That ensured that the Native American population around the three reservations, near the Bemidji area (White Earth, Red Lake, and Leech Lake) would be un-served and that Native Americans would continue to be overly represented in county jail.

There have been positive steps over the past two and one half years. Tribal ID cards are acceptable identification for voter registration. Three of the counties have new sheriffs and there is a new police

chief in Bemidji.

However, until we begin including race as data in the initial stop statistics we will not have the information we need to change the way we train our police officers. We collect those statistics at every point in the criminal justice system except for the initial point of entry.

Friends of the ACLU will introduce legislation in early February to require police officers to indicate the race of the person when they are completing tickets or incident reports.

Please send us your emails (you can join our action list by sending a blank email to pubed@aclu-mn.org with Legislative Action List in the title) so that we can keep you informed of the progress of this bill and so that we can update you on other civil liberties issues in Minnesota and the United States.

What we will not measure we cannot manage.

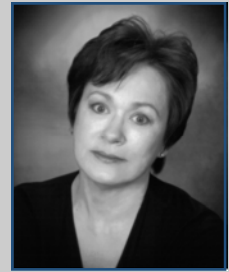
Do you wish the ACLU of Minnesota had more of a presence in your community?
Interested in helping to start an ACLU Chapter where you live?

If so, let us know!
Please contact: Jana Kooren
651.645.4097 x123
pubed@aclu-mn.org

Please include in your message your name, address, phone number, and why your community would benefit from an ACLU Chapter.

From the ACLU

Rebecca Rand
Minnesota's National Delegate



Letter

The ACLU National Board met in New York January 27th and 28th. Five board members were elected to the Executive Committee; Rob Remar (Georgia), Roz Litman (Pennsylvania), Meg Gale (California), Calien Lewis (Maine), and Marc Beem (Illinois). We arrived at this geographic diversity entirely by accident. For the first time, we used instant run-off voting. I highly recommend it.

In a brief over-view of pending litigation, we were assured that even if we ultimately lose the Khaled el-Masri case (German national extraordinary rendition—by U.S. agents) that the publicity has been entirely positive and invaluable. Watch the papers for a case concerning an Alaska high school student suspended for unfurling a “Bong Hits for Jesus” banner. *Morse vs Frederick*, won in the 9th circuit, is set to be argued March 19th. Starring Ken Starr.

The Biennial Policy Committee has proposed eliminating the Biennial and replacing it with a Leadership Conference, which would have no policy making power. My sense is that this went over with board member, but no vote has been taken.

A presentation was made by a committee of the Racial Justice Project, which touched on indigent representation, immigration issues, the conditions of incarceration, juvenile justice and the waivers of representation problem, felon disenfranchisement, racial profiling, the school to prison pipeline and the disparities in educational resources, practices and outcomes.

A committee has been appointed to review ACLU campaign policy. The current policy reflects the view that money equals speech, while at this time evidence seems to be accumulating that there may be

some threat to representative democracy from this unprecedented influx of money to campaigns. The tension is difficult to reconcile. If you have thoughts on this, I'd love to hear them.

The next national board meeting will be April 14—15 in New York.

Thank you Rebecca for your exceptional commitment!

The American Civil Liberties Union has teamed up with the Emmy-award winning production company Public Interest to launch a video campaign today via a new web site, www.10Couples.org. The purpose of the site is to put a human face on the issue of marriage for same-sex couples and to reach a wider audience using new media tools. Check it out today!



SAGE v. Maple Grove Sr. High School (Direct)

On December 22nd, the 8th Circuit Court of Appeals upheld a preliminary injunction requiring the Osseo School District to afford a student group promoting tolerance and respect for gays and lesbians the same treatment as other extra-curricular student groups at Maple Grove High School. The preliminary injunction requires the school to treat SAGE (Straights and Gays for Equality) like any other student group when it comes to access for meetings, avenues for communication and other rights afforded to other student groups.

The ACLU-MN filed the lawsuit in September 2005 following nearly two years of discussions with the school district over its policy toward the student group. In its ruling, the three-judge panel affirmed Federal District Court Judge Ericksen's determination that SAGE is likely ultimately to win its suit, and that the preliminary injunction was needed to protect to the group in the meantime.

Unless the case is resolved with a settlement agreement, the next step will be to proceed to trial to obtain a permanent injunction, a declaration that the Osseo School District violated our client's rights, and damages for the violation of their rights.

The volunteer attorneys in the case are Tom Kayser, Michael Okerlund and Dave Pinto of the law firm Robins, Kaplan, Miller & Ciresi, L.L.P.

Meads v. Best Oil Company (Amicus)

The Court of Appeals issued a significant opinion in this discrimination case, ruling that an employer may not use "after acquired evidence" of misconduct in order to escape liability for discriminatory employment decisions. The ACLU-MN filed an *amicus curiae* (friend of the court) brief in this important case. We argued that the purpose of anti-discrimination laws is to deter discrimination from occurring and provide a remedy for those who are wronged by discrimination. If the defendants had won this case it would have allowed employers to escape liability for discriminatory behavior. The ACLU-MN warned the court, that allowing evidence of misconduct acquired after an employment decision to be used to completely bar a discrimination claim ensures that discrimination is allowed to go without penalty. Furthermore, there would be no deterrent to prevent future discrimination from occurring, the victims of discrimination have no redress, they would be discouraged from enforcing their rights, and employers would be encouraged to engage in reprehensible after the fact rationalizations for their actions. The U.S. Supreme Court came to this conclusion over ten years ago in a case called *McKennon v. Nashville Banner Publishing Company*.

This case arose when Charles Meads, an African-American man applied for a customer service job at one of the defendant's

convenience stores. He was passed over in favor of other white applicants with less customer service experience than him. After he filed a lawsuit alleging employment discrimination, the defendants discovered that he had a twelve-year-old felony conviction, which he failed to disclose on his application.

The defendants argued that the conviction would have disqualified him from employment and sought dismissal of the discrimination case based on those and other grounds. The District Court agreed and dismissed the case. The Court of Appeals reversed the decision and sent the case back to the District Court. In its decision, the court recognized that, while evidence of misconduct acquired after the employment decision cannot completely bar a claim of discrimination, it might serve to limit the compensation such as front pay, which would normally be available to a victim of discrimination depending on the severity of the claim. Furthermore the court goes on to note that a rule barring ex-offenders from employment can be discriminatory and the reasonableness of the Defendant's rule should be examined during the trial.

The Defendants filed a Petition for Review with the Minnesota Supreme Court. As this newsletter went to print, the Court had not yet decided whether to review the decision of the Court of Appeals.

Photo Cop Heads to the Minnesota Supreme Court (Direct)

The Minnesota Supreme Court agreed to review the decision of the Court of Appeals in our challenge to the Minneapolis "Photo Cop" ordinance. The Court of Appeals upheld the District Court's ruling invalidating the Minneapolis "Photo Cop" ordinance because it imposes liability on the vehicle owner instead of the actual driver who ran the red light. In our challenge to the ordinance, we argued that the shift in liability violates state law and the constitutional right to due process. The Court of Appeals found that the law was preempted by state law and invalidated it on those grounds. The case has been briefed and oral argument has not yet been scheduled. We anticipate that the Court will rule on the case by mid-summer 2007.

The volunteer attorney on the case is Howard Bass, The Bass Law Firm, P.L.L.C., Burnsville, MN.

Fisher v. MN-DOC (Amicus Curiae)

The ACLU-MN submitted a request to participate as *amicus curiae* (friend of the court) to the Minnesota Supreme Court in this inmate abuse case. The Court of Appeals dismissed t

Legal Updates

the inmate's important constitutional claims, citing sovereign immunity. In our amicus request, we urged the Minnesota Supreme Court to grant review of the Court of Appeals decision because it was contrary to well established law governing civil rights litigation. While government officials are entitled to sovereign immunity from suit when they are sued in their official capacity, they do not enjoy the benefits of immunity when they are sued in their individual capacity as was the case here. The Minnesota Supreme Court granted review of the case and summarily reversed the Court of Appeals decision on that issue. Thus the constitutional claims will be re-instated against prison officials acting in their individual capacities.

Commissioner of Health v Fjellman Kirk & LaRae Fjellman



St. Paul, MN -- The Minnesota Department of Health reversed course and decided to rescind its January 14th order for discipline against massage therapist LaRae Lundeen Fjellman. Mrs. Fjellman was disciplined for entering into a personal relationship and marrying a former client within two years of ending their professional relationship. The decision to rescind discipline against Mrs. Fjellman was based on a last-minute conclusion that the facts of the case, "clearly do not constitute the egregious mischief or exploitation that the legislature sought to protect the public from when it enacted Chapter 146A," and that Mrs. Fjellman does not pose "any future threat to the public".

The ACLU-MN agreed to represent Mrs. Fjellman in her appeal from the order for discipline because the rule infringes on the constitutional right to intimate association and the right to marry. The rule also violates the right to equal protection because it holds alternative healthcare providers to a more rigorous standard than other healthcare providers. Although the discipline was rescinded in this case, the ACLU-MN is evaluating its options for challenging the constitutionality of the law in order to obtain some measure of justice for LaRae. LaRae has been a massage therapist for 18 years. In October 2000, Kirk Fjellman became her client and remained one till

April 2002. In August 2002, they began dating and fell in love. They got engaged in March 2003 and were married in September 2003. The complaint against Mrs. Fjellman set off a three-year ordeal in which Department of Health officials subjected her to an intrusive interrogation and required her to undergo a psychological examination with a state appointed psychologist, at her own expense.

The Minnesota law at issue here goes too far by imposing a two-year ban on consensual relationships between alternative health care practitioners and their former clients. ACLU- MN Legal Counsel Teresa Nelson said, "the law unnecessarily extends two years after the client relationship has ended. Our hope is to prevent this from happening again."

The ACLU-MN volunteer attorneys in this matter are Robin Wolpert and Mark Johnson from the law firm of Greene Espel in Minneapolis.

Let your voice be heard! Join our Legislative Action Network!

- **Receive periodical emails with action alerts
- **Stay informed on local & national levels
- **Hold your elected officials accountable!

Please visit our website www.aclu-mn.org
and sign up today!

Your email will not be shared with any other group.
It will only be used by the ACLU-MN.

Berg V DEA

Continued from page 1

while they subjected her to an embarrassing public search. Inside Ms. Berg's carry-on bag, the agents found her Bible, a book of devotional studies, toiletries, a paperback book, pajamas, make-up and perfume. They did not find any contraband, drug money, or "dirty" money in need of laundering. As a result of this illegal stop and search Ms. Berg has experienced severe and extreme emotional distress.

The ACLU-MN believes that the DEA has and continues to engage in policy or practice of selecting people of color to be examined and subjected to intrusive searches on the basis of their race and gender, as part of their "drug courier profile". In furtherance of this unlawful practice, the DEA agents intentionally selected Ms. Berg to be detained, examined and searched, without probable cause, in whole or in part, because of her race.

Ask a Question

I understand that ACLU-MN challenges the Minneapolis photo cop ordinance on the grounds that it goes after the owner not the driver. I am uncertain what to think about that, but I'll grant it.

I am a fan of civil liberties, a member of the ACLU for years, and always been against big brother things like photo cop. Yet, I've also almost been run down by red-light runners, my girlfriend even more often run down by same, and driving in Minneapolis in some places is very crappy. I think that enforcing traffic ordinances could help, also that the police are too busy to do it often enough, and that machines could help.

My question: do you believe there is a legal version of "photo cop"?

Dan

Response:

The main reason the Minneapolis ordinance was overturned was because it is contrary to the state law that provides cities with the authority to enforce traffic regulations. Essentially, the City created a new offense of owning a vehicle that drives through a red light. They simply do not have that authority under state law. If the state were to decide that it wanted to embrace the idea of "photo cop" they would first need to amend state law to allow for it. While there is no way to know for sure how a Minnesota court would rule on the issue, courts in other states have upheld "photo cop" laws when the offense is treated as a purely civil offense similar to a parking violation. In contrast, the Minneapolis ordinance is considered a "petty misdemeanor", which requires proof of guilt beyond a reasonable doubt and can serve to enhance future moving violations to a misdemeanor punishable by jail. The offense is also reported on the individual's driving record, meaning that the owner will face consequences such as higher insurance rates. Some "photo cop" systems are set up to photograph both the license plate and the driver to ensure that the driver is the one held responsible for the violation. In Minneapolis, the identity of the driver is irrelevant and liability is imposed on the owner unless the owner can identify the actual driver.

The ACLU supports enforcement of red-light violations. We recognize the important safety goal that it serves; but we also believe that safety should not come at the expense of civil liberties. We believe that there should be a policy discussion about whether it is appropriate to give up our privacy and due process in favor of photo enforcement of traffic violations. This discussion is critical given the fact that the City of Minneapolis would like to expand its "photo cop" program to enforce speed violations. There are other, less intrusive, measures that can be taken to improve safety. For example, some studies suggest that simply increasing yellow-light times and/or increasing the "all red" interval can reduce accidents at intersections. Some states prohibit vehicles from entering the intersection when the light is

yellow, making it less likely that drivers will race into intersection at the last second in an attempt to beat the red light. Another option is to allocate more police officers to enforce traffic violations in problem areas. While there may be ways to creating a legal "photo cop" system, we must first decide whether photo enforcement of traffic violations is best option overall.

WE WANT TO HEAR FROM YOU!

We encourage you to send letters to the editor on any of the subjects the ACLU covers. As much as we would love to respond to each and every one, we cannot print every letter or answer every question. ***This is only for letters to the editors, not to file a civil liberties complaint***

Letter should not exceed 200 words.
Send your question and comments to
pubed@aclu-mn.org or
Letter to the Editor
450 N Syndicate
Suite 230

Civil Liberties Tributes

If you wish to make a gift to the ACLU of Minnesota in the name of someone who is celebrating a milestone event, to honor their life, or simply to wish them well, give us a call. Contact Molly Miller 651-645-4097 x123, the Assistant to the Executive Director and give her the name and address of the person you wish to honor, your name and address, and the amount you wish to donate; we will send you a bill. We will send the honoree (or their family) a letter indicating that a donation (without listing of the amount) has been given to the ACLU of Minnesota in their name. Your name and address will be furnished to the honoree as well. You will receive a letter from the ACLU-MN indicating the amount of the gift. Donors of more than \$25 will be listed in the next newsletter, unless the donor wishes to remain anonymous.

In memory of Dean Lanz, Winona

April 27 1953—March 3, 2007

~Anonymous

Greater Minnesota Racial Justice Project Update

The ACLU-MN developed the Greater Minnesota Racial Justice Project in May, 2004. The mission is to provide public education regarding racial justice issues through communities in Northern Minnesota and Native American communities both on and off the reservation. This is accomplished through outreach, court-monitoring, and complaint intake. The project currently serves all people in the seven-country area with a focus on our Native American peoples.

The GMRJP has faced many challenges since its 2004 inception, such as presenting the ACLU-MN in a positive light to the local non-native populations. It is important for everyone to understand the GMRJP's true mission and purpose because often times people have preconceived notions about the ACLU-MN which can be hard to dispel.

On the flip side, constant listening to the Native community, which has felt unheard in off reservation settings prior to the State of Minnesota being recognized as a state in this country, has at times been overwhelming work for the Greater Minnesota Racial Justice Project.

One of the greatest tasks for the ACLU-MN, and Greater MN Racial Justice Project is to continue to remain steadfast and available to the native population, continue education within the communities and schools, seek out the injustice that prevails within the legal system and continue gathering support from the non native community. The benefit of helping is not only humanitarian but costs the public in tax dollars a great deal less if people are educated to their rights, and the Constitution.

The tasks are a successful venture for the ACLU-MN.



Want to find out which Supreme Court Justice you are the most like?
Visit
<http://www.aclu.tv/supreme/game>
to meet your match!

Do you live in Northwestern Minnesota?

If so, The Greater Minnesota Racial Justice Project Wants You!

Are you interested in how our judicial system works?

Become a Volunteer Court-Monitor

You will attend courtroom proceedings as a witness and a record keeper for our project. A commitment of two or more days per months is required, and you must be at least 18 years of age. All community members are welcome to apply.

Do you need extra credit for school?

Become a volunteer intern

Our project offers part-time volunteer internships in the office or out in the field. Full-time internships for college requirements are also available.

Call the Greater Minnesota Racial Justice Project office for applications
218-444-2285

Are you a Teacher?

Do you live near the Twin Cities or Bemidji?

Would you like a speaker to talk to your classroom about their rights and the Bill of Rights?

We can provide speakers free of charge to classrooms that are near either the Twin Cities or Bemidji.

You can fill out a speaker request form online at www.aclu-mn.org.

Tribute to Molly Ivins



In Memory of Molly Ivins (1944 - 2007)

The ACLU of Minnesota acknowledges with sadness the passing of legendary journalist, columnist and long time ACLU supporter Molly Ivins. Molly never wavered in her commitment to the mission of the ACLU, and worked tirelessly as a spokesperson to benefit our organization. She appeared at countless affiliate events, and at one point resolved to do something for the ACLU at least once a month. Her legacy of support will live on through her bequest to the ACLU, a gesture she energetically encouraged others to make as well. As she put it, "I can't think of anything I'd rather do with my worldly goods than fund folks who will be a pain in the ass to whatever powers come to be."

The ACLU of Minnesota was particularly fortunate to have been graced with Molly's presence numerous times for special events. Her presence will be greatly missed.

To make a donation to The Molly Ivins Fund for Justice and Liberty, please visit aclu.org/mollyivinsfund. To learn about planning a bequest for the future of the ACLU, please visit aclu.org/legacy or call toll-free, 877-867-1025.

New Website

The ACLU of Minnesota is proud to announce the launch of their new website on April 2nd 2007.

The website will maintain the same address: www.aclu-mn.org, but that is the only part that will stay the same. The new website will provide us with much greater capabilities.

The ACLU-MN will now be able to accept online donations and memberships. You can also join our action network and participate in action alerts. Furthermore you will be able to easily access information and navigate the website.

You will still be able to do all the same things you could on the old website such as filing a civil liberties complaint, requesting a speaker for your classroom or reading about the cases that are going on.

Stop by and check it out!

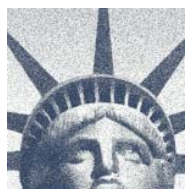
MOVING??

Please let us know.

You can either send an email or give us a call. Please include in your message your name, previous address & your new address.

Thank you.

mmiller@aclu-mn.org, 651.645.645.4097 x127



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

Call to the Annual Annual Meeting

The American Civil Liberties Union of Minnesota, (ACLU-MN) will hold its 2007 Annual Meeting on Saturday, April 28, 2007, at 10:00 a.m. The meeting will be held at the Hamline University Law and Graduate School Conference Center, 536 Hewitt Avenue, Saint Paul, Minnesota.

The business of the Annual Meeting shall be for the Voting Members to receive nominations for the election to the Board of Directors, to consider and vote on resolutions which are recommendations to the board of Directors, and to consider and vote on proposed amendments to the Bylaws in accordance with the provisions of Section 8 of the ACLU-MN Bylaws.

NOMINATION PROCEDURES

Petitioner Nominations. Voting Members shall have the right to nominate directors by mailing such nominations to the President by the first day of the month of April immediately preceding the annual meeting of Voting Members. Such nominations must be accompanied by:

- a petition signed by at least twenty-five (25) Voting Members for each individual nominated;
- a statement by the nominee that she/he is willing to serve as a director; and
- an accurate, written biographical statement of the nominee which shall not be more than eight (8) typed lines of no more than sixty (60) characters per line.

COMMUNICATING WITH THE MEMBERSHIP

An ACLU-MN member may, at his or her own expense, have a designated commercial mailing house mail information to all or some of the Voting Members. Communications to the membership must be conducted by a blind mailing. There will be no censorship of the mailing piece either by the board or staff of the ACLU-MN.

AMENDMENTS TO THE BYLAWS

Both the Board of Directors and the Voting Members shall have the power to amend these Bylaws as follows:

Amendment by the Board. The power of the Board of Directors shall be subject to the power of the members with voting rights under Section 8.1.4 to adopt, amend or repeal Bylaws adopted, amended or repealed by the Board. The Board of Directors may amend the Bylaws by adopting a resolution setting forth the amendment by the affirmative vote of a majority of the members of the entire Board of Directors then in office. The Board of Directors may not adopt, amend, or repeal a bylaw fixing a quorum for meetings of members, prescribing procedures for removing directors or filling vacancies in the Board of Directors, or fixing the number of directors or their classifications, qualifications, or terms of office.

Proposal by the Board. The Board of Directors may also propose an amendment to the Bylaws by adopting a resolution setting forth the proposed amendment and directing that it be submitted for adoption at a meeting of the members.

Proposal by Minority of the Board. An amendment to the Bylaws may also be proposed upon the (a) written resolution signed by any five (5) members of the Board or (b) written resolution signed by any two (2) members of the Board accompanied by the written endorsement of one hundred (100) Voting Members, and delivered to the Secretary.

Voting Member Proposal. An amendment to the Bylaws may also be proposed by written resolution by a Voting Member accompanied by the written endorsement of at least 150 Voting Members and delivered to the Secretary.

Board of Directors Nominees

Wendy Dayton

Wendy Dayton has a background in Marketing and Merchandising. She has a degree from United States International University. She has served on many Boards including the Harriet Tubman Center, the Trust for Public Land and currently is Vice President of the Meadwood Foundation board.

John Gulla

John Gulla is Head of School at The Blake School in Minneapolis, now in his ninth year. John received his MA from Teachers College, Columbia University in New York and his BA from Amherst College. He is married with two sons who attend The Blake School.

Robert Sykora

Robert Sykora was a board member of the ACLU-MN from 1995-2005. He is Chief Information Officer for the Minnesota Board of Public Defense. He attended Harvard University, Kennedy School of Government (Master in Public Administration, June 2006). William Mitchell College of Law (*Juris Doctor*, 1986); St. John's University (Bachelor of Arts, 1978).

Charles Silverman

Charles Silverman is a businessman in Fridley. He was a member of Union board from 1999-2006 and served as the board treasurer and chair of the finance committee. He currently serves on the Foundation board as treasurer.

Leslie Sandberg

Leslie Sandberg most recently was the Press Secretary for the Attorney General's Office, she had been there since 1997. She has worked for NBC News and Fox News before coming to Minnesota. She received a Masters degree from American University and a B.A. from Tufts.

Cris Stainbrook

Cris Stainbrook, a Lakota, is the President of the Indian Land Tenure Foundation. He was a founder of Native Americans in Philanthropy and served on the board of directors for 11 years. Cris holds a Bachelor of Science degree from the University of Iowa and a Master of Science degree in Fisheries Science from Oregon State University.

Rebecca Rand

Rebecca Rand served on the board from 1996—2002. She returned to the board in 2004 and has been our National delegate for the past two years. She has been a long time for expanded First Amendment rights and a longtime supporter of the ACLU of Minnesota.

Governance Committee Report

The Governance Committee of the ACLU Board of Directors recommends the following officers to the ACLU-MN Board:

PRESIDENT	Therese Marso
VICE PRESIDENT	Wallace Hilke
SECRETARY	Ron DeHarpporte
TREASURER	Cassandra Warner

The ACLU of Minnesota would like to thank the following Board Members, who will be exiting The Board of Directors, for their years of service. Your presence will be missed!

*Celeste Carty
Deb Flemming
Al Goins
Jill Kielblock
Paul Redleaf*

Civil Liberties News

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