



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

CIVIL LIBERTIES NEWS

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ACLU-MN and NLG File Suit Against St. Paul over Permits for RNC

Cooperating attorneys for the ACLU of Minnesota and the Minnesota Chapter of the National Lawyers Guild filed a complaint on March 24, 2008 in the United States District Court against the City of St. Paul on behalf of the Coalition to March on the RNC and Stop the War. The complaint challenges the City's violation of the Coalition's rights to free speech and due process of law in connection with the Coalition's plans to demonstrate at the Republican National Convention in St. Paul on September 1, 2008. The complaint seeks to require the City of St. Paul to grant the Coalition's request for a demonstration permit in sufficient detail and to require the City to amend its permit procedure to provide basic due process to permit applicants.

The City has violated the Coalition's right to free speech and due process by failing to issue anything other than an ambiguous "Conditional Alternative Permit" in response to the Coalition's demonstration application, and by failing to grant the Coalition's appeal of the "Conditional Alternative Permit", to seek basic clarification of the conditions under which the demonstration will occur. The current "Conditional Alternative Permit" fails to specify any time or route for the demonstration, and it imposes police guidelines that conflict with the City ordinance and violate the First Amendment.

The City of St. Paul simultaneously maintains that the current permit provides a sufficient answer to the Coalition's application, *and* that the current permit does not constitute a final permit sufficient to warrant an appeal. Such an ambiguous position restrains both the Coalition's speech rights and its access to administrative process. In the interest of free speech and rigorous public discourse, the Coalition must be granted its permit in full with sufficient time to continue planning for the influx of up to 50,000 demonstrators in St. Paul in September, 2008.

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ACLU-MN's 2nd Annual *Day at the Hill*

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Newsletter:

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On March 13, the ACLU of Minnesota held its second annual *Day at the Hill* at the Capitol in St. Paul. Over 30 ACLU supporters from across the state (some from up to an hour away) came to the event to have their voices heard.

Even though it was a very busy day in both the House and Senate, attendees were able to meet with their state legislators to discuss and lobby the six key legislative issues the ACLU-MN is focusing on this year: voting rights, immigration, anti-Real ID, reproductive freedom, racial profiling and collateral sanctions.

We would like to say thank you to everyone who came to this year's *Day at the Hill* as your support is the backbone of the ACLU. Another thank you to the state legislators who took the time out of their busy schedules to meet with ACLU supporters. We are already looking forward to next year's *Day at the Hill*.

From the Executive Director

Charles "Chuck" Samuelson



Year in Review

ACLU-MN Board of Directors

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Gina Walters
GMRJP Office Manager

As is the case almost any year, this is a year that will go down as one busier than ever. This was the year the ACLU-MN began to lobby the legislature in a systematic way.

Carolyn Jackson joined our staff after tracking civil liberties bills for us as a volunteer for four years. Her passion for civil liberties and her love of the political process have helped your affiliate to vastly improve its abilities in the legislature. We have introduced two bills: one of which are likely to pass this year. We introduced one bill that would adjust the licensing requirement that forced massage therapists to wait two years before dating a former client. (For example, doctors have no such waiting requirement.)

We also introduced a racial profiling data collection bill. We don't expect it to move this year, but we anticipate that next session it could perhaps even pass. In addition, we have supported an anti-Real ID bill that is making its second trip through the legislature – it was vetoed by Governor Pawlenty last session.

This is also the year that the ACLU-MN grew its public education programs. Not only have the numbers of college chapters grown, but Jana Kooren has created a young professionals group. There are almost 3 dozen young professionals in the Twin Cities active in the group. We anticipate that they will be joined by a number of others in the near future.

We continued the Greater Minnesota Racial Justice Program for the fourth year. We have spent over \$500,000 of your funds, have litigated four major cases, and have registered almost 1,000 new voters in the NW corner of Minnesota. We are working with the three bands of Ojibwe in the region (Leech

Lake, Red Lake, and White Earth), the judges of the 9th Judicial district, several of the sheriff departments, and hundreds of our members to bring equal justice for Native Americans in the region. Audrey Thayer helped establish the Native American Defense Corporation (along with Anita Fineday, one of our board members) and while we have had a number of successes, Native Americans continue to make up more than 50 percent of those in the county jails.

On the legal side, as you can read in the first page of this newsletter, we have filed suit against the city of St. Paul for their failure to grant a valid parade permit, as their ordinance requires. We anticipate a vigorous debate about the importance of free speech. But we were also busy this year with the Minneapolis red light camera case, and a year's worth of work attempting to solve the free speech issues involved in the Republican National Convention program. At the same time, legal counsel Teresa Nelson has recruited and trained another talented group of legal volunteers who have processed more than 1,500 requests for our help.

All of this costs money and we spent about \$600,000 of your funds to make this and more happen. Without your support the activities of the ACLU of Minnesota would not be possible. Next year we will need even more support as we struggle to bring the ACLU to even more of the state than ever.

To join the work, you can use the donation form in this newsletter, or you can contribute to the ACLU of Minnesota on line at www.aclu-mn.org. We appreciate your past support and, with your help, we look forward to great work this coming year.

From the President

Therese Marso



Changes

Spring is here, which in Minnesota means melting snow, longer days, and buds on the trees. While we are excited to welcome the warmth and sunshine that summer brings, I always have a pang of sadness as I store the sleds and skates and realize another year has gone by.

For the ACLU of Minnesota, spring brings annual changes to the board of directors as well. Change is vital – the organization grows and benefits every year by welcoming new board members. At the same time, we say goodbye to board members who have shared their tremendous time and talent over the past several years. This spring at the ACLU is no different – I am delighted to welcome our new board members, and I simultaneously have the familiar pangs while we thank our departing directors for their outstanding work and commitment.

On behalf of the organization, I wish to extend my wholehearted appreciation to the outstanding directors who are leaving the board: Susan Jacobson, Jeffrey Keyes, Edwin Butterfoss, and Steven Suckow.

While most will remember that Sue served as board president, many are perhaps unaware of the lengthy hours she spent behind the scenes, working to streamline and strengthen the board's governance structure. The organization benefited from her calm and capable leadership.

Jeff Keyes first served the ACLU of Minnesota by being an excellent volunteer lawyer, and as a board member he has organized and headed the notorious "pinstripe brigade," recruiting and training lawyers from all over Minnesota to be on hand to defend civil liberties during the 2008 Republican National Convention.

Jeff is resigning from the board because he has been selected by the District Court for the State of Minnesota to serve as a United States Magistrate Judge. Our loss is definitely a gain for the people of Minnesota.

As a law professor and as our most recent legal committee chair, Ed's encyclopedic knowledge of the law was invaluable. And Steve's thoughtful perspective, understanding, and business sense will also be missed. Thank you, Steve, Ed, Jeff, and Sue for your commitment to the Constitution and the people of Minnesota.

Now for the good news.... We are delighted to welcome new board members Scot Milchman, Melanie Benjamin and Anita Fineday, who are enthusiastic in their support of civil liberties and this organization. And please join me in welcoming back to the board proven leader Paul Redleaf. Spring is officially here!



Legal Updates

Murphy v. Mounds View School Board

The ACLU-MN is representing Mounds View School Board member Susan Murphy whose position on the School Board has come under attack because her husband is a custodian in the District. The School Board will be considering and voting on the union collective bargaining agreement with her husband's bargaining unit. The School Board's attorney has taken the position that if Ms. Murphy has a conflict of interest in the contract the only remedy would be for her to resign or be forcibly removed from the School Board.

The ACLU-MN believes that all that should be required is for Ms. Murphy to declare her potential conflict of interest and not vote on the contract and we are working to ensure that she is able to retain her elective office. Currently, we are attempting to resolve the matter without litigation. The School District has requested an advisory opinion from the Minnesota Attorney General and we have also presented our position on the issue. In addition, State Representative Gardner and State Senator Betzold have introduced legislation that would clarify the issue.

State v. Craig

The ACLU-MN and the National ACLU filed a joint brief as *amici curiae* ("friends of the court") in Senator Larry Craig's attempt to withdraw his guilty plea. Our brief argues that Senator Craig should be allowed to withdraw his guilty plea because his disorderly conduct charges violate the constitutional right to free speech. Arguments in the case have not yet been set by the Court of Appeals.

Fjellman v. Commissioner of Health

Our lawsuit challenging the state law prohibiting massage therapists from having an intimate relationship with former clients until two years after the end of the massage therapist - client relationship is in the pretrial discovery stage. We have agreed to put the case on hold for the next few months to allow the Legislature an opportunity to fix the law so that it no longer interferes with the constitutionally protected rights to privacy and to intimate association.

Free Speech on Freeway Overpasses

In January, the ACLU-MN worked on behalf of Ross and Coleen Rowley in an effort to get the Minnesota State Patrol to stop interfering with their right to hold anti-war banners on freeway overpasses. We met with State Patrol representatives and told them about the numerous incidents in which the Rowley's and other demonstrators were hassled or ordered to leave the overpasses by state troopers claiming that the signs violated a state law prohibiting the affixing of signs on highway right-of-ways.

The ACLU-MN reminded them that the First Amendment protects the rights of individuals to hold signs on overpasses, as long as they follow a certain set of rules. The State Patrol representatives agreed that the law did indeed protect the demonstrators' right to be there, and said that they would remind their officers and dispatchers of their policy that specifically allows individuals to hold up signs in any location where it is legal for them to walk or stand. A copy of the policy has been posted on the ACLU-MN website so that demonstrators can print a copy and reference it if they are harassed by state troopers in the future. The policy can be downloaded at the following URL:

<http://www.aclu-mn.org/home/news/aclumnprotectsfreespeechon.htm>

The ACLU-MN will continue to monitor this issue to ensure that free speech is protected on overpasses throughout the state.

RNC continued.....

(continued from pg. 1)

Cooperating attorneys representing the Coalition include Robert J. Hennessey, Lindquist & Vennum PLLP; Bruce Nestor, De Leon & Nestor; David B. Potter, Oppenheimer Wolff & Donnelly LLP; Howard Bass, Bass Law Firm; and Jordan Kushner, Kushner Law Office. Professor Raleigh Levine from William Mitchell College of Law has been consulting on the case.

Visit our website, www.aclu-mn.org for up to date RNC news.

Legislative Update

Looking Ahead

The Minnesota Legislature convened on February 12 for a fast moving session. The first legislative deadline just passed on March 14, where bills had to be through one standing committee in one house. The second deadline is March 19 when bills have to be through one committee in both the House and Senate.

As in years past, we are screening legislation as it is introduced. This year, however, we have been taking a more proactive role by lobbying on six specific issues: **Voting rights, immigration, anti-Real ID, reproductive freedom, racial profiling and collateral sanctions.**

Collateral sanctions, also known as collateral consequences, are the adverse side effects of having been through the criminal justice system. New internet access and data mining practices have meant that criminal records are more available and cheaper so more discrimination against released offenders is occurring in housing and employment. Arrest records as well as convictions are barring people from housing and employment, so we are supporting legislation which addresses the injustices of collateral sanctions.

The racial profiling bill which has been introduced in both houses addresses the racial iniquities in the criminal justice system. Although Minnesota has one of the lowest overall incarceration rates in the country, it has one of the highest incarceration rates for racial minorities. The racial profiling bill requires law enforcement to gather data on race in arrests, analyze the data, and provide a solution if a racial profiling problem is found.

Day at the Hill

The ACLU-MN lobbied for these six issues on March 13 at the *Day at the Hill* and let the Legislature know that the ACLU-MN is actively engaged in the legislative process.

Immigration

The hot-button issue of the year has been immigration. The Governor issued two anti-immigrant executive orders in mid January. The first executive order required the use of e-verify to check the work eligibility of state employees, employees of state contractors, and employees of recipients of state subsidies. The second executive order enlists state law enforcement in the enforcement of immigration status. Legislatively, there are a number of anti-immigrant bills that have been introduced. We have been working with ACLU national on ways to address these various issues. Primarily, we are working to change the con-

versation. Immigrants are positive contributors to our society. Immigration status is highly individual, complex and a civil matter, so we are asking people to remember that immigration is a national, not a state issue, and it is primarily civil, not criminal.

Keep an eye on our "Take Action" section of the website for updates on the legislative session.

GMRJP Hosts 3rd Annual Independent Film Festival

The ACLU-MN Greater Minnesota Racial Justice Project sponsored the 3rd Annual Independent Film Festival in Bemidji, MN during the week of March 10th through March 15th. The film fest was organized by GMRJP intern, Brenna Sater, a Bemidji State University student, along with the help of community volunteers. Collaborating sponsors were White Earth Land Recovery Project, Indigenous Environmental Network, and Bemidji Indian Center.

Films were shown throughout the week in an intimate setting at The Cantabria Coffee Co. and included: "Uncounted" (a documentary on the election fraud of 2004 and 2006), "Oil On Ice" (fate of the Arctic National Wildlife Refuge regarding U.S. energy policy), and "Ghosts of Abu Ghraib" (examination of prisoner abuse scandal)

Friday's and Saturday's events were held in the Mask and Rose Theatre located in the historic Masonic Temple building. Friday's events included an evening reception followed by a presentation by guest speaker Winona LaDuke and the showing of the film "Homeland" (profiling Native American activists who are fighting to protect Indian lands). Saturday was dedicated to showing locally and regionally created short films.

Thank you to everyone who helped make the film festival a success again this year!

Join the ACLU-MN Action Network

Please help us keep in touch with you in the fastest and most cost-effective way by giving us your email address!

When you join the **ACLU-MN Action Network**, you stay informed and involved with the latest news and information on civil liberties and ACLU-MN activities. Your email address will **not** be shared with any other organizations.

- ♦ Join online at: <http://www.aclu-mn>. Click on "join the legislative action network"

ACLU-MN Annual Meeting of the Members 2008

The American Civil Liberties Union of Minnesota will hold its 2008 Annual Meeting of the members **Saturday, April 26, 2008, at 10:00 a.m.** The meeting will be held at the Hamline University Law and Graduate School Conference Center, Room 004, 1536 Hewitt Avenue, Saint Paul, Minnesota for the purposes of electing directors and any other appropriate business.

♦ WHO MAY VOTE

All current members of the ACLU who reside in Minnesota may vote. Organizational members are not eligible to vote. Each member may vote once only.

♦ INFORMATION

For questions regarding the Annual Meeting of the members, contact Molly at mmiller@aclu-mn.org or 651.645.4097 x127.

BYLAW INFORMATION

NOMINATION PROCEDURES

Current voting members have the right to nominate directors by mailing such nominations to the President. 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 no 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.

**GET
INVOLVED!**

Donate: Your tax-deductible gift helps defend our liberties. There are many ways to give to the ACLU-MN, for more information contact Molly at 651.645.4097 x127.

Volunteer: We couldn't exist without volunteer lawyers, organizers, interns, students and others. For volunteer opportunities contact Jana at 651.645.4097 x123.

Join the ACLU-MN Action Network: Stay up-to-date with ACLU-MN news and information www.aclu-mn.org or send an email to jkooren@aclu-mn.org with your name and address.

2008 Board of Directors Nominees

The Governance Committee of the Board of Directors has recommended the following nominees for the 2008 ACLU-MN Board of Directors:

New Board Member Nominees

- **Melanie Benjamin**, currently serving her second term as Chief Executive of the Mille Lacs Band of Ojibwe Indians.
- **Paul Redleaf**, Former ACLU-MN board member, member of the ACLU since the 1950's, retired physician, active member in the finance committee during previous ACLU-MN board terms.
- **Chief Judge Anita Fineday**, Chief Judge for the White Earth Band of Ojibwe and an Associate Judge for the Leech Lake Band of Ojibwe.
- **Scot J. Milchman**, chief operating officer and general counsel for Key Surgical, Inc in Eden Prairie.

Current Board Members Seeking Re-Election

- **Howard Bass**, criminal defense attorney in private practice in Minneapolis, ACLU-MN cooperating attorney, litigated the ACLU-MN's Photo Cop case and long time ACLU member.
- **Joel Bergstrom**, ACLU-MN legislative committee chair, director of development at the University of Minnesota Medical Association, member of the DFL Central Committee.
- **Burt Garr**, former executive director of the Jewish Community Center of the Greater St. Paul Area for a number of years, retired in 2002, was an adjunct faculty member for the Schools of Social Work at Both SUNY-Buffalo and the University of Minnesota before retiring.
- **Diane O'Brien**, chair of ACLU-MN public education/membership committee, communications director for the Minnesota AFL-CIO, worked for 20 years with unions and non-profit organizations to develop communications strategies and programs.
- **Cassandra Warner**, ACLU-MN treasurer, CFO of Weiss Builders, a nation-wide builder.
- **Robin Wolpert**, attorney at the firm of Greene Espel in Minneapolis. ACLU-MN cooperating attorney, she is a member of the legal team that successfully sued the Secretary of State regarding the use of tribal ID's.

Thank You!

We would like to thank our out-going board members, **Ed Butterfoss Sue Jacobson, Jeff Keyes and Steve Suckow** for their time and dedication.

We've Moved!

The ACLU-MN offices have moved up one floor in our current building to suite 325. Please take note of our new suite number:

**ACLU-MN
450 N. Syndicate, Suite 325
St. Paul, MN 55104**

*We will continue to receive mail addressed to our old suite (230).

TRIBUTES

IN MEMORY OF SHANE WOLF

JOEL AND HARRIET KATZ

BARBARA BELEW

IDA RAPPORT

EVA AND ROBERT LAUNER

Tributes are contributions made to honor or remember special friends, family, colleagues and occasions.

To have your tribute appear in Civil Liberties News, please contact Molly at 651.645.4097 x127; mmiller@aclu-mn.org or 450 N. Syndicate, suite 325, St. Paul, MN 55104

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The **ACLU-MN Foundation** (ACLU-MN Foundation) is a 501(c)(3) nonprofit entity organized to help maintain and defend the rights of free speech, free press, free assemblage, and other human and civil rights and liberties secured by law; to provide legal defense of civil liberties secured by law for those persons who cannot afford to pay for the same; and to provide public education in civil liberties issues. The ACLU-MN Foundation fulfills its mission through programs and services provided by the American Civil Liberties Union of Minnesota (ACLU-MN).