



# ACLU

**AMERICAN CIVIL LIBERTIES UNION  
of MINNESOTA**

## CIVIL LIBERTIES NEWS

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Spring Newsletter 2012

### ACLU files lawsuit against Minnewaska Area Schools

The American Civil Liberties Union of Minnesota filed a lawsuit in Federal District Court against Minnewaska Area Schools and the Pope County Sheriff's office for violating the constitutional rights of a minor student. R.S.'s free speech and privacy rights were violated by the school district in two separate instances involving Facebook. (To protect the privacy of the minor defendant, she will be referred to as R.S.)

In early 2011, R.S. posted a comment, while at home, on her Facebook page about her dislike of a school staff member. The school learned about the comment, and R.S. received a detention and was forced to write an apology to the staff member. She was disciplined again when she cursed on her Facebook page, complaining that someone reported her to the school. This time she was given an in-school suspension and was prohibited from attending a school field trip. The ACLU-MN contends that these sanctions violate her First Amendment right to freedom of speech.

In a second incident R.S. was brought into a school administrator's office where she was coerced to turn over (against her will) login information to her Facebook and e-mail accounts because of

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### ACLU-MN launches Vote No Campaign

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The American Civil Liberties Union of Minnesota launched its new Vote No 2012 political fund in February. The purpose of the ballot question political fund is to defend the Minnesota Constitution from amendments that limit civil rights and individual freedoms.

Vote No 2012 is made up of members and staff of the ACLU-MN. The goal of the campaign is to mobilize ACLU-MN supporters, inform Minnesotans and work with coalitions to deliver "NO" votes in November 2012.

The ACLU-MN will be doing a tour of the state later this year to educate and mobilize Minnesotans to vote NO. We look forward to coming to a city near you!

To learn more about the potential amendments and how you can get involved you can visit [www.voteno2012.org](http://www.voteno2012.org).

# From the President

*Vance Opperman*



## The ACLU is a conservative bastion

Senator Howell Heflin, former Senator from the State of Alabama, used to say that in the Senate you were expected to be reasonable five years out of the six. The other year you were running for reelection. And it does seem that this election year has been captured by the crazies.

This year features attacks on the ACLU, the United States Constitution and our independent judiciary. Some candidates for Republican nomination have even written books (or at least put their name on the cover) to single out the ACLU as a threat to liberty. Others have suggested that our independent federal judiciary be subject to review by Congress, and possible criminal sanctions where opinions conflict with resolutions passed by Congress on specific issues. You can guess what the issues are.

True conservatives should be appalled by these antics. And those true conservatives should join, if they haven't already, the ACLU. Of course, any organization devoted to protecting a document and structure of government that is over 220 years old should be appealing to those who consider themselves conservatives. So too should those conservatives who rail loudest against the incursions of big government: the Bill of Rights is an anti-government screed. Political minorities, to say nothing of ethnic minorities, have enjoyed their

greatest freedom not by populist legislation, but at the hands of our independent, non-elected judiciary. These are the foundations of individual liberty (a phrase bandied about by so-called conservative groups).

Many conservatives oppose on privacy grounds the federal government (or perhaps a central state government) from maintaining databases, or internal passports for all of its citizens. Those individuals should be very concerned at the effort to tie the ability to change government to the possession of a government-issued ID card. The ability to put a citizen under surreptitious surveillance unchecked by any judicial review has a long and sordid history in many countries, unfortunately also in this one. In fact, the current administration even claims the right to kill American citizens found in foreign countries without any judicial supervision and to do so, not for the acts of terrorism, but for the dissemination of incendiary Internet postings.

So the next time you hear someone who claims to be a conservative, ask them if they are a member of the ACLU. If not, they're not a Constitutional conservative; they're more likely to be a religious fundamentalist or a talk show entertainer.

### *Board of Directors*

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Melanie Benjamin, Tim Branson, Dale Carpenter, Nate Dybvig, Sandra Feist, Anita Fineday, Albert Goins, Michelle Goodwin, John Gulla, Thomas C. Kayser, Carolina Lamas, Jonathan Lebedoff, Jennifer Martin, Scot Milchman, Nicole Moen, Todd Noteboom, William Pentelovitch, TJ Pierret, Susan Harper Ritten, Paul Redleaf, Leslie Sandberg, Robert Sykora

# From the Executive Director

## *Charles Samuelson*



## Purer than Ivory Soap

In 2010 Minnesota voters elected a Republican-controlled Legislature. They also elected a Democratic Governor, ensuring that, to move forward, the state's political leaders needed to work together. The results were twofold. In 2011, the Minnesota government shut down for the longest time in its history. And, in 2012, the Legislature decided to bypass the Executive Branch and propose constitutional amendments instead.

We face, in November of this year, the threat of allowing one set of religious beliefs on marriage to trump all other religious (and non religious) views on marriage. It is bad enough that currently any two adults who love and are committed to each other cannot be married, not only in the eyes of a church, but also in the eyes of the state. This amendment would only further enshrine discrimination and make it more permanent.

The ACLU of Minnesota has a long history of defending LGBT rights. We brought the first gay marriage case in the country in 1971, and we brought the case that allowed for what is now the Pride Festival. We also brought the case that made enforcement of the sodomy laws in Minnesota illegal. This amendment must not pass and we will do everything we can to prevent it from passing.

To stop this amendment all of us - each ACLU member - must not only vote no but talk about how this law is unfair, unconstitutional and un-Minnesotan. Depriving our friends, our neighbors, or even total strangers of the 515 rights our government gives people who agree to commit to each other is not just unfair: it is wrong and it weakens our civil society. Please help the ACLU of Minnesota finish our almost half century fight for the right of people to love whom they will.

Unsatisfied with just this great idea, the legislature is poised (as this is written) to propose an unneeded amendment that would disenfranchise 200,000 current voters and incorporate this into our constitution.

We have an excellent election system that is the best in the country. Statistically it is purer than Ivory Soap (which is 99.44% pure), and we regularly have the highest voter turnout in the United States. There are no rational, only political, reasons for this amendment. It repudiates everything that Minnesotans and the ACLU have worked for these past 60 years.

Again, we need to stop this amendment by talking to our friends and neighbors and by urging them to vote no on these and all other amendments. For more information, go to the website we've created for this purpose: [www.voteno2012.org](http://www.voteno2012.org).

That these things are happening on our 60<sup>th</sup> anniversary makes clear that civil liberties must constantly be re-won.

### *Staff*

Executive Director.....	Charles Samuelson
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Director of Development.....	Carol Stoddart
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GMRJP South Attorney.....	Ian Bratlie
Public Education Coordinator.....	Jana Kooren
Lobbying Coordinator.....	Carolyn Jackson
Assistant to the Executive Director.....	Molly Miller
GMRJP North Office Manager.....	Cory Cochran
GMRJP South Office Manager.....	Amy Ronkvist
Newsletter Editor:.....	Jana Kooren

## From the Legal Briefcase

*Minnewaska continued*

allegations that she had online conversations about sex with another student off-campus. Present at the search was a local deputy along with two school officials. During this process, R.S. was called a liar and told she would be given detentions if she did not give the adults access to her accounts. R.S.'s mother was not informed about the search until after it happened. The Deputy and school officials did not have a warrant to search R.S.'s private accounts. The ACLU-MN alleges in their suit that this violated R.S.'s Fourth Amendment right to be free from unreasonable search and seizure.

The lawsuit seeks damages, declaratory and injunctive relief for the violations of R.S.'s constitutional rights.

Cooperating attorneys working on the case are: Wallace Hilke and Bryan Freeman of Lindquist & Vennum PLLP and Professor Raleigh Hannah Levine, William Mitchell College of Law.

*The ACLU created a handout for young people about their rights when using social media. Check it out under the resources tab on our website.*  
[www.aclu-mn.org](http://www.aclu-mn.org)

## From the Capitol

You may have heard that little is happening at the Capitol this year. If you are interested in keeping the Vikings in Minnesota, getting unemployed construction workers back to work, or streamlining government regulation, you would be right.

However, if you are charged with protecting civil liberties under the Minnesota Constitution, it's another story. Anti-abortion regulations, school vouchers, police power to spy on citizens,

## From the Capitol cont'd

unwarranted searches of welfare recipients, linking employment to a federal government database and voter suppression have all been on the agenda. We are tracking over 200 civil liberties-related bills.

The good news is that civil asset forfeiture reform has been signed into law. The 2010 Legislature passed initial reforms for forfeiture related to drug crimes. This bill extends those reforms to DWI forfeiture. This bill, SF 1240, also has significant reforms for the statute of limitations, conflict of interest, notice and general clarity. One of the largest barriers to forfeiture reform has been that no one understands how it works. By aligning and clarifying the language of the forfeiture statutes, we have set the stage for ongoing reform.

Civil libertarians should be very concerned about the criminal intelligence bill (HF2470/SF1937). Currently, police gather and receive information that does not rise to a criminal investigation. Technically, this information is public, but officers are reluctant to make it public for a variety of reasons. To draw brighter lines, police lobbyists are seeking a data classification that will allow them to gather this information without making it public. Gathering intelligence, analyzing it, and connecting the dots is the newest method of crime fighting. We have to sort out whether this can be done without chilling speech, assembly or other First Amendment rights. How do we require individualized suspicion or protect the presumption of innocence? What penalties ensue from abuse of this power? There are many, many questions to this issue. With any luck, we can present them to the Legislature and iron them out before this becomes law.

Finally, if accomplishment in the Legislature is counted in terms of constitutional amendments, they have accomplished a lot. Last year they put the "let's permanently discriminate against same sex couples" amendment on the ballot. By the time you read this, the voter suppression amendment may be on the ballot, as well as a union-busting "right to work for lower wages" amendment. You can read more about these at [VoteNo2012.org](http://VoteNo2012.org).

## GMRJP - North

The Greater Minnesota Racial Justice Project North Office has been focusing on constitutional education in high schools, tribal colleges and Bemidji State University. Many thanks for the schools, organizations and governmental bodies that invite us to present on the Constitution at their institution.

We were excited by the quality of art submissions we've received for the third annual "Art from Within" exhibit. The show features artwork that gives a personal and compelling view into the lives of people whose civil liberties have been tested in some way. This year's theme focused on artists' feelings and understandings about what the Bill of Rights means to them. Art is just one more way that those who often have their voices suppressed can express themselves.

The winner for best in show, Michael Goodwin, is an inmate in Stillwater prison. His charcoal drawing, "the Battle Within" is intended to remind the viewer "to be kinder than necessary, everyone you meet is fighting some kind of battle." Goodwin learned to draw while incarcerated in a county jail, awaiting sentencing. "It was a time in my life where I was scared, nervous, and depressed. One night something compelled me to get on my knee, and pray. I prayed for peace of mind and the patience it takes to draw so I can occupy my time with something other than all of the stress. Well here I am two years later, still at it." Goodwin requested that half of any money generated from the sale of his art work to be donated to the ACLU-MN as a thanks for the opportunity to participate in the exhibit.

From painstakingly intricate quill boxes to large drawings and paintings, the event drew over 20 artists from across Minnesota and is comprised of 50 different art pieces. Art will be displayed at the Bemidji Community Arts Center in Bemidji for the month of March.

Art from Within was made possible by grants from Region 2 Arts Council, Blandin Foundation and the Cy and Paula DeCosse Fund of the Minneapolis Foundation.

## GMRJP - South

At the Greater Minnesota Racial Justice Project South, we have been working on developing relationships with our local communities. We have attended several community meetings in St. Peter, Gaylord and Arlington and are learning more about the concerns of the Latino community. Racial profiling by law enforcement continues to be the biggest worry across Latino communities that we are hearing about. We have been able to develop key relationships with people who know and advocate for area Latinos. The Immigrant Law Center in St. Paul has contacted us to partner with them on outreach we do in Greater Minnesota.

Our office has spent a lot of time meeting with school officials to let them know who we are and to learn about local needs and issues. We are reviewing enrollment and demographic data of thirty-seven school districts in our immediate area. We are interested in desegregation, the number of teachers of color and performance of students of color throughout the area.

We were invited to be a guest on Minnesota State University-Mankato's local radio station for a monthly program called "Human Rights Watch" to discuss ACLU issues. We have also published two articles on the cost of Immigration and Customs Enforcement holds in the *Star Tribune* and *Hennepin Lawyer*.

We hired interns from Gustavus Adolphus College who established a student chapter of the ACLU on campus. They already have thirty students participating in the chapter. The interns are both fluent Spanish speakers and they have been helping us communicate with Latinos in the community.

*Best in Show*  
-  
*Art from Within 2012*





# Annual Meeting

The American Civil Liberties Union of Minnesota will hold its 2012 Annual Meeting of the Members on Saturday, April 28, 2012 at 10:00 a.m. The meeting will be held at Hamline University, in Sorin Hall Room A/B (the food services building) 1498 Englewood Avenue Saint Paul, Minnesota for the purposes of electing directors and any other appropriate business. All members in good standing are welcome to attend. For more information contact Molly at [mmiller@aclu-mn.org](mailto:mmiller@aclu-mn.org).

## 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 on 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.

We would like to thank the following Board Members for their service as they end their terms: Tim Branson, Wally Hilke, Jonathan Lebedoff, Raleigh Levine, Jennifer Martin, and Todd Noteboom.

## New nominees

### **Cassie Warner**

Cassie Warner is the CFO of Weiss Builders, a nation-wide builder. She has been involved in the community for the past 14 years, serving on the Boards of Resources for Child Caring, Gillette Children's Foundation, and Chrysalis Center. She previously served on the ACLU-MN board of directors and was the treasurer during her tenure.

### **Howard Bass**

Howard Bass is a criminal defense attorney at Bass Law Firm PLLC. He previously served on the ACLU-MN board of directors and has taken on cases for the ACLU-MN. He was a member of the Mississippi Civil Liberties Union and served on its Board of Directors from 1985-1987. He previously served as the chair of DFL Senate District 35 and the mnpACT! treasurer.

### **Dale Carpenter**

Dale Carpenter is a professor at the University of Minnesota School of Law and teaches and writes in the areas of constitutional law, the First Amendment, and sexual orientation and the law. In 2007, he was appointed the Earl R. Larson Professor of Civil Rights and Civil Liberties Law. He is a frequent television, radio, and print commentator on constitutional law, the First Amendment, and sexual orientation and the law.

## New nominees continued

### **Michelle Goodwin**

Michele Goodwin is the Everett Fraser Professor in Law at the University of Minnesota School of Law. She holds joint appointments at the University of Minnesota Medical School and the University of Minnesota School of Public Health. She researches and teaches in the areas of torts, property, biotechnology, bioethics, and identity.

## Board Members up for Re-election

### **TJ Pierret**

TJ Pierret currently works in real estate and previously worked as a senior-level merchandising executive for companies such as Christopher & Banks and Wilson's Leather. She is also an active volunteer for Great Rivers High School and Highland Park Elementary. TJ received her B.A. from the College of St. Catherine in St. Paul.

### **Susan Harper Ritten**

Susan Harper Ritten is a native of Minnesota and currently lives in Minnetonka with her husband, Andy Ritten, and their two children. She received a B.A. from Yale University and has done work in media relations and marketing. Susan has been an active volunteer for many educational and community organizations and served on various boards.

## A welcome to our new Director of Development



ACLU-MN welcomes its newest staff member, Carol Stoddart, who started in early March, replacing recently retired Doris Rubenstein. Carol comes to us with over 20 years of experience raising funds for cultural, social service and international relief organizations. She has demonstrated her commitment to civil liberties as an ACLU member since the 1980's, and most recently helped educate Minnesotans about the proposed amendments to the Minnesota State Constitution by volunteering at the Minnesota State Fair.

Carol explained her decision to join the staff by saying, "The ACLU has long been high on the list of organizations which I support passionately. I am delighted with the opportunity to apply my years of professional experience to furthering this important mission."

If you are interested in helping Carol support the ACLU's work by donating or volunteering with fundraising activities, she'll be happy to talk with you. You can reach her at 651-645-4097, ext. 126, or at [cstoddart@aclu-mn.org](mailto:cstoddart@aclu-mn.org).

# Civil Liberties News

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St. Paul, MN 55114

## ACLU-MN Foundation Contribution Form

Mail completed form and your tax-deductible contribution to:  
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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).