



ACLU

CIVIL LIBERTIES NEWS

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**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

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Federal Judge Rules Against Demonstrators

After a strong effort by the ACLU-MN to protect the free speech rights of individuals wishing to demonstrate during the upcoming Republican National Convention in St. Paul, the court delivered a disappointing decision in July in the suit between the City of St. Paul and the Coalition to March on the RNC and Stop the War.

The lawsuit filed by the ACLU-MN initially challenged the City's refusal to grant a march permit for a coalition of national and local groups planning a massive anti-war march on the first day of the RNC, September 1st. In May, the evening before the hearing when the ACLU was going to ask the judge to force the city to issue a permit, the city finally denied the Coalition's permit application and instead granted an alternative permit.

The ACLU-MN believes that the City's alternative route and timeline does not meet constitutional requirements. First and foremost, the alternative permit guarantees that the marchers will be unable to deliver their message to the RNC delegates because they must be clear from the area before the delegates start arriving for the convention. In addition, the proposed alternative route lacks adequate capacity for a crowd in excess of 50,000 marchers, a concern verified by an independent traffic-engineering firm. The alternative route requires marchers to march back on themselves for the entire route, and requires them to turn at 90-degree angles at the narrowest points on the streets to be used. In addition, the route does not have the same profile as the proposed route from the State Capitol, down John Ireland Boulevard to Kellogg Avenue past the
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Young ACLU Activists Travel to Washington DC

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Newsletter:

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In early June, I joined a group of youth activists in attending the National ACLU Membership Conference in Washington D.C. I'm not going to lie and tell you that I enjoyed the 24-hour bus ride, but the rest of the experience was wonderful.

We arrived one day early in order to have time to enjoy the city and all the educational opportunities it presents. I was able to visit the National Holocaust Memorial Museum, as well as the usual sights. Of course, the conference was the highlight of the trip. Each day was filled with seminars and speakers. I had the privilege of hearing such important voices of our day as Arianna Huffington, Arlen Specter, and Supreme Court Justice Ruth Bader Ginsburg. I attended several panel discussions covering a range of topics from terrorism to media. My favorite panel was a discussion of 'American's War On Sex.' The most important part was the encouragement of audience participation in each discussion.
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From the Executive Director

Charles "Chuck" Samuelson



Over the next two months. . .

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St. Paul, Minneapolis, and Bloomington are getting ready for an invasion of political activity greater than anything we have ever seen. During the last week-end of August, approximately 14,000 Republican delegates, 14,000 media representatives, and 100,000 protestors will come to the Twin Cities to express their views, write their stories and protest the war and current economic policies.

The ACLU of Minnesota has spent more than a year and a half and \$20,000 in protecting the free speech rights of both the delegates and of the protestors. In addition, nine firms have spent thousands of hours of time, researching and writing briefs that will allow everyone involved to pursue their first amendment rights.

In order to make this effort possible, the ACLU of Minnesota will hold a major fundraising dinner at the Minneapolis Club on Monday, August 18th. Dinner will be at 7:00 p.m. The main speaker will be Nadine Strossen. This is Nadine's 17th and last year as the president of the American Civil Liberties Union and the 18th is her birthday. Tickets are \$125 per person, \$85 of which is tax deductible. Sponsorship opportunities are available. More information about the event is available on page seven of this newsletter.

The next day, August 19th, Fredrikson and Byron law firm will host a Continuing Legal Education program for attorneys interested in representing protestors if they are arrested during the Convention in September 2008. More information about the CLE is available on page seven. We are also concerned about the potential for the mass arrests of protestors at demonstrations the weekend before Labor Day and during the first four days of September. If you are an attorney and are interested in representing protestors during this time, please call or email our legal counsel, Terri Nelson (tnelson@aclu-mn.org).

Finally, as you can read about in other parts of the newsletter, we will have a booth at the State Fair for the first time in many years. Congratulations to board member Wally Hilke and Public Education Coordinator Jana Kooren for their long hard work to get the State Fair to admit the ACLU of Minnesota. Again, if you have the time and would like to spend 4 hours or so talking to total strangers about the work of the ACLU please email Jana (jkooren@aclu-mn.org).

We have been busy and we all have a wonderful opportunity to pull together and demonstrate to millions of people around the country just what the ACLU of Minnesota can do. I look forward to meeting all of you in St. Paul – either at

Legal Updates

Xcel Center. The Coalition's chosen route would have allowed marchers to see the Xcel Center for much of the route while the alternative route only provides limited views of the venue throughout the march, and will allow marchers to have just a few minutes in proximity to the Center.

When the City Council summarily refused our request to overturn the permit denial and the alternative permit, we amended our lawsuit to challenge the City's latest actions. Our lawsuit argued that the City had failed to meet their burden to justify restrictions on the Coalition's march and that the alternative route was not

constitutionally sufficient. We suggested that the Court grant a permit for a march that incorporates the first half of the Coalition's route with a portion of the City's proposed route. Such a compromise would address the City's concerns while also providing the necessary capacity to hold the anticipated number of protesters.

However, the court granted the City's desired route and refused to order changes to the time and duration of the march.

The Coalition sought to carry out a safe, permitted march. They sought to do the right thing and deliver

their message of peace to the delegates, which is a constitutional right. They are aware of the potential risks associated with large numbers of marchers who have not been given proper consideration by city officials to exercise their first amendment right to dem-

onstrate and have consistently sought to work with the City to protect the citizens of St. Paul, the police, and the media from any harm due to inadequate planning.

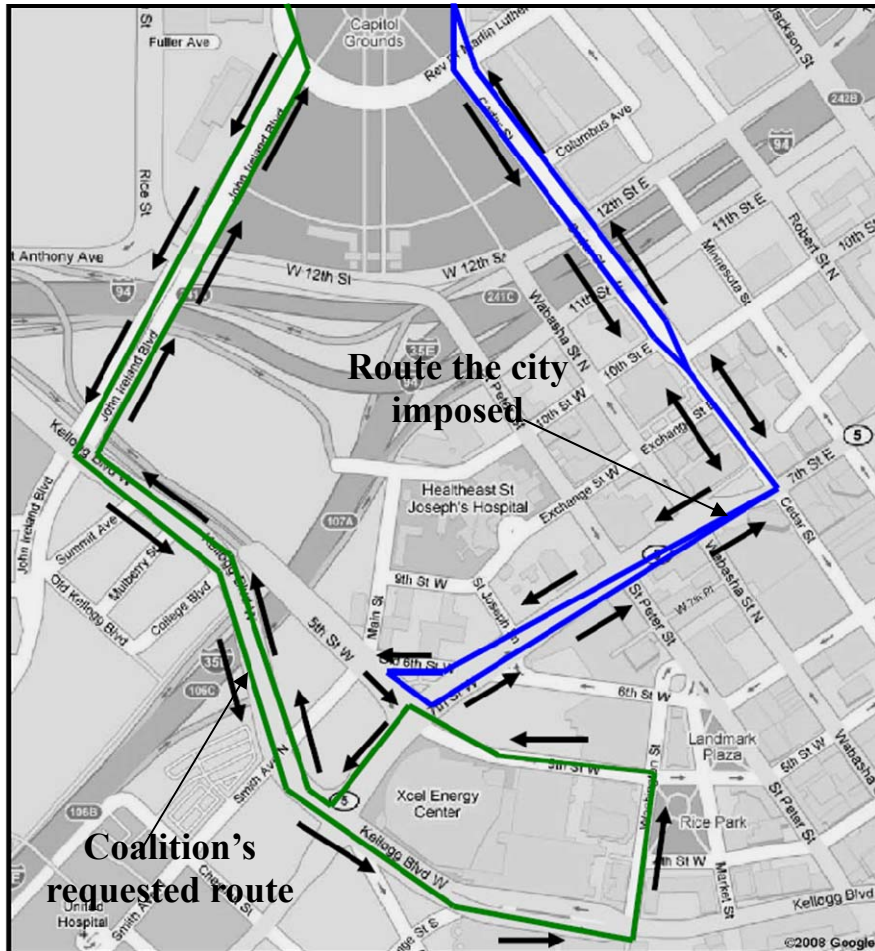
Tarek ibn Zayad Academy

The ACLU-MN is investigating allegations that a Minnesota charter school, Tarek ibn Zayad Academy, is improperly promoting religion in violation of the Establishment Clause. Although charter schools are

incorporated as nonprofit organizations that are exempt from most state laws, they are considered public schools that receive state and federal funds and they must still follow U.S. and Minnesota Constitutional requirements. The allegations center on the school's relationship with a religious organization, the Muslim American Society of Minnesota, as well as practices at the school relating to prayer, religious activities and after-school religious instruction.

A Minnesota Department of Education investigation noted some practices that should be modified in or-

legal—Continued on page 5



der to comply with the law; however, the MDE investigation focused primarily on statutory provisions with little emphasis on the U.S. and Minnesota establishment clause provisions. Although we believe that the MDE has taken some important steps to address concerns that have been raised by the school's activities, the ACLU-MN has remaining concerns about the school's practices that were not addressed in the MDE findings. For that reason, we are continuing our investigation into this matter. In addition to our investigation of TiZA, we are also working to identify systemic issues that may be paving the way for constitutional violations in Minnesota charter schools.

Watershed District

The ACLU-MN filed an Amicus Curiae brief on behalf of Mr. James Stengrim, in support of his First Amendment rights. Mr. Stengrim was sued by the Middle-Snake-Tamarac Rivers Watershed District, a local government entity, for expressing an opinion critical of the District's flood control plans. Mr. Stengrim and other land owners opposing the flood control project filed suit against the District in 2002. At that time a settlement agreement was reached and one provision of it forbade the land owners from challenging the project again.

Consistent with the agreement, Mr. Stengrim has not filed a legal challenge since, but remains an outspoken critic of the District's plans. Further, he has filed several requests for District documents related to the project. In response, the District is now attempting to silence Mr. Stengrim by suing him for breach of the settlement agreement, arguing that his outspoken criticism and data requests constitute a new challenge to the project.

Under both the United States Constitution and Minnesota state law, Mr. Stengrim and all citizens have a right to freely express their opinions without fear of punishment or reprisal. The District acts in contravention of that right, seeking to intimidate its critics through lawsuits. Under Minnesota law, Mr.

Stengrim may seek the dismissal of any civil suit that seeks to silence lawful speech or action aimed at government action, but the lower courts have refused to apply that law.

The Minnesota Court of Appeals has now agreed to hear the case and the ACLU-MN is urging them to protect the First Amendment. Our inalienable rights to free speech may never be signed away by contract or quashed by lawsuit. Mr. Stengrim has upheld his end of the settlement agreement, but the District seeks to ignore the laws and silence their opponents. The ACLU opposes such unconstitutional tactics and will always work to defend all people's rights to speak freely without fear of punishment.

Pledge Policy

For well over sixty years, courts have recognized the First Amendment right of students to choose not to participate in the Pledge of Allegiance. As the Court in West Virginia State Board of Education v. Barnette put it in 1943, "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." So when a small group of students at Dilworth-Glyndon-Felton Schools were disciplined when they exercised their right to remain seated during the Pledge of Allegiance, the ACLU-MN stepped in to remind the District that their actions were patently unconstitutional. Our letter informed the District of their obligation to follow the constitution and suggested that this incident represented a classic "teachable moment" where the school could help to instill the values of good citizenship by modeling respect for the U.S. Constitution and the rights and values that our flag represents.

The DGF School Board ultimately voted to do the right thing and repealed their policy requiring students to stand during the Pledge of Allegiance, but not before voting the proposed repeal down at its first meeting after the incident.

Trip to Washington DC

Continued from page 1

On our last day in D.C. we lobbied our legislators on Capitol Hill. We were able to speak face-to-face with many of our representatives and discuss the most pressing issues of our concern. It was exciting to see the response from our congress members and be able to interact with them, as opposed to the usual information we receive from the media. I think that lobbying was the best part of the conference.

If anything, the conference linked me with other activists in my community. It's great to have contacts that I can go to for certain events. We're currently planning home-stays for some people I met from Wisconsin during the RNC. I would recommend the conference to all youth activists.

Written by Jacqueline Rickel



24 Young Minnesotans meet with Senator Klobuchar to discuss torture, and spying. Meetings were also held with Senator Coleman's office, and Representatives Bachman, Peterson, Ellison and McCollum.



Grace Kinder & Aaron Meza at the ACLU-MN's Pride Booth

ACLU at Pride

This June, the ACLU-MN was at the Twin Cities Pride Festival to show our continued support of GLBT rights. Several willing volunteers staffed our booth throughout the weekend, handing out temporary tattoos, pamphlets on civil liberties, and some very cool ACLU paper fans.

As it was my own first time at Pride, the energetic atmosphere and the highly diverse crowd blew me away. It was gratifying to hear from so many supporters of the ACLU, many of who were eager to tell us that they are "card-carrying members". We

also had the chance to educate many curious newcomers on our organization's work, receiving a very positive response to the ACLU's legal efforts regarding gender and sexuality. We even signed up several new members!

Written by Catherine Leonard

TRIBUTES

IN MEMORY OF WILL STORLAND

JANET M. KEHNE

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

Bill of Rights Dinner

*The American Civil Liberties Union
of Minnesota Foundation*

Invites you to

A Tribute to the First Amendment

Featuring. . .

*National ACLU
President*

*Nadine Strossen
and*

The "Pin Stripe Brigade"

Monday August 18, 2008

7:00 p.m.

Minneapolis Club, Main Dining Room

Eighth Street & Second Avenue, Minneapolis

Dinner Tickets: \$125

Reception & Dinner Tickets: \$500*

Sponsorship Tables: \$5,000 (includes reception)*

**The Pre-dinner Reception from 6-7 PM in the Main Lounge of the
Minneapolis Club. You must purchase tickets to the dinner to at-
tend the cocktail party.*

*For more information and to RSVP online at www.aclu-mn.org or by contacting Molly at 651.645.409 x127,
mmiller@aclu-mn.org*

Upcoming Events

You're Invited...

**"The Cultural Connection" Community
Cook-Out and Picnic**

Thursday, August 14th, 2008

2:00-7:00pm

UpNorth Marina -303 Railroad Street, Bemidji
(behind the warehouse on Lake Irving)

- ◆ *Jim Allen as Master of Ceremonies*
- ◆ *Food, beverages, music*
- ◆ *comic relief by Rick Lidel*
- ◆ *information booths*

Sponsored by

*ACLU-MN, Greater MN Racial Justice Project
For information: 218-444-2285*

**CALLING ALL ATTORNEYS!!!
IN DEFENSE OF SPEECH
ACLU-MN VOLUNTEER ATTORNEY
TRAINING AND CLE SEMINAR
OPENING REMARKS BY NADINE STROSSEN**

DATE: 08/19/2008

TIME: 9:00 AM

**PLACE: FREDRIKSON & BYRON, P.A.
200 SOUTH 6TH ST.—SUITE 4000
MINNEAPOLIS, MN**

Cost: Free - or - \$25 for CLE Credit
(The ACLU-MN will apply for 2.5 CLE credits)

Register online at www.aclu-mn.org, via email mmiller@aclu-mn.org or by phone 651.645.4097 x127. Registrations will be accepted at the door space permitting.

Please join the ACLU-MN at a CLE training to provide attorneys of all backgrounds with information they will need in order to effectively represent protestors arrested during the 2008 Republican National Convention. Now more than ever, we need your help to ensure that freedom of speech is protected during the convention and that arrestees receive immediate and effective representation so their rights are not further curtailed.

Civil Liberties News

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