



ACLU

CIVIL LIBERTIES NEWS

Published quarterly in Spring, Summer, Fall, and Winter

Publication Office:

2300 Myrtle Ave, Suite 180

St. Paul, MN 55114

Summer Newsletter 2011

AMERICAN CIVIL LIBERTIES UNION of MINNESOTA

Freedom of Speech case settled



L to R: Attorney Geneva Finn, Nathan Clough, Celia Kutz, Andrew Fahlstrom, Vincent Collura, Attorney Albert Goins, Investigator Merle Busic, ACLU-MN Attorney Teresa Nelson

We are pleased to announce that the parties have reached a settlement in our challenge to former Ramsey County Sheriff Fletcher's pre-Republican National Convention seizure of massive amounts of constitutionally protected literature. The settlement was reached as a result of a court-ordered settlement conference with U.S. Magistrate Judge Leo I. Brisbois on May 31, 2011. The settlement includes a payment by Defendant Ramsey County to the plaintiffs in the amount of \$27,000, the return of the disputed seized literature and a one hour

meeting with new Ramsey County Sheriff Matt Bostrom.

Inside This Issue

- Page 2.....From the President
- Page 3.....From the Executive Director
- Pages 4The Legal Briefcase
- Page 5.....News from the Capitol
- Page 6.....News from the GMRJPS
- Page 7.....Development Update

Civil Liberties News
(USPS # 114-860)

Subscription by Membership Only

PERIODICAL postage paid at St. Paul, MN, and additional mailing offices.

POSTMASTER: Send address changes to Civil Liberties News, 2300 Myrtle Ave, Suite 180 St. Paul, MN 55114

The lawsuit was originally filed in September, 2008 against Sheriff Fletcher and others under his direction for conducting the unlawful seizure of vast amounts of constitutionally protected literature while executing several search warrants in the days leading up to the 2008 Republican National Convention. Police seized multiple copies of hundreds of different First Amendment protected publications, including books, pamphlets, leaflets, posters, stickers and buttons, despite the fact that they were intended to be distributed peacefully. Our lawsuit argues that the seizure of First Amendment materials violated our clients' free speech and due process rights guaranteed under the First and Fourteenth Amendments.

Of the settlement, one of the six plaintiffs, Celia Kutz, stated that "We took on this case because we knew that the police raids, mass arrests and indiscriminate collecting of information was a violation of our rights. In this case Ramsey County used

continued on page 4

From the President

Vance Opperman



State Fair

The Great Minnesota State Fair is fast upon us (August 25 through September 5). When I was a teenager, I enjoyed going to the State Fair to argue with all of the people behind the political booths – Socialist Workers’ Party, GOP, DFL, Communist Party USA, et al. Now you too can be the person sitting in those booths to engage in those heated debates with teenagers. In fact, one of the real joys of summer and a real kick is to volunteer for a shift or two in the ACLU State Fair booth.

You will staff the booth with other terrifically interesting ACLU members – a joy in itself. The booth itself is right across the aisle from Secretary of State Mark Ritchie and right up the aisle from the rather large Minnesota State University and College exhibits. So it’s an interesting environment.

Even more interesting are the people with whom you will converse. We distribute over 25,000 copies of the United States and Minnesota Constitutions at each State Fair, and all of that is done by volunteers at our booth. Almost every one of these exchanges involves discussion and sometimes debate with one of our fellow citizens. Some of these exchanges are simply priceless.

I remember several summers ago earnestly hawking a free copy of the U.S. and Minnesota Constitution (which the overwhelming majority of people accept), only to have it refused by a very pleasant middle-aged female citizen. When asked why she would refuse a copy of the U.S. Constitution (I noticed that she had an American flag on her blouse), she said that it was only the ACLU Constitution and not the real U.S. Constitution, which apparently is a different document. I assured her that our copy was a true copy of the U.S. Constitution. She corrected me and pointed out that she knew that we were peddling false Constitutions (the ACLU Constitution) because she had been told that by Fox Television. When I started to dispute this assertion, she reminded me that Fox Television would not say something that was untrue because the government wouldn’t allow it. Reflect on that statement for a moment!

So I invite you to volunteer with us at the State Fair, for your time you will get a t-shirt and a ticket into the fair. For more information on volunteering please visit our website at www.aclu-mn.org

Hope to see you there!

Board of Directors

President.....Vance Opperman Vice President.....Samuel Heins
Treasurer.....Cris Stainbrook Secretary.....Ronald DeHarpporte
Affirmative Action Officer.....Raleigh Levine ACLU National Delegate.....Rebecca Rand

Melanie Benjamin, Tim Branson, Nate Dybvig, Sandra Feist, Anita Fineday, John Gulla, Thomas 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



The politics at the Capitol

The mid-year elections of 2010 will go down as the Tea Party elections. The combination of a bad economy, poor voter turnout, the health insurance bill and an African American president hit Minnesota as it hit most other states.

Prior to 2010, the legislature was controlled by the Democrats and the Republican Party held the Governor's office. In a Republican sweep, the Democrats lost control of both houses, but won the Governor's office.

As a result of that divide and the partisan nature of the 2010 elections, this legislative session focused primarily on social issues. This session's major accomplishment was the introduction of a constitutional amendment permanently banning marriage between same-sex adults. Its second accomplishment was the threatened introduction of an amendment that would complicate voting, restrict the Secretary of State's role in the voting process, and give the State the power to determine who could vote.

The legislature has set up the 2012 elections as the major civil rights confrontation of this generation. Its outcome will determine how MN treats its minority populations for generations to come.

Marriage is a property right according to state law. From the government's point of view there is no rational reason for the government to discriminate. In fact, the government rewards marriage with 515 separate benefits. To withhold those benefits because of the gender does not make sense for the government. Clearly government does not require children as a condition of marriage; otherwise older Americans would also be barred from marrying. Rather the governmental purpose to marriage is to

regulate transfers of property and to ensure an orderly organization of society.

There are some religious sects who oppose the marriage of same sex individuals – just as there are other sects that support the marriage of same sex individuals. Neither of these religious organizations can be forced to conduct marriage ceremonies that violate their religious beliefs. The ACLU of Minnesota would quickly come to the defense of any religious organization which faced that threat.

A second (potential) amendment restricts the voting rights of marginal populations that do not drive or carry MN ID's. First, voting is THE fundamental right of citizens. Secondly, there has never been any significant voting fraud to justify the restriction. The bigger issue has always been under voting. Thirdly, the proposed solution will not solve the only voting fraud ever found – people on parole who vote before their parole has been completed.

The ID requirements of this amendment are a huge invasion of privacy, and even by the estimates of their supporters, will immediately disenfranchise more than 100,000 Minnesotans.

As civil libertarians we must oppose these attacks on civil rights. Each of us needs to talk with our neighbors, our friends, and our acquaintances. In the next 18 months the ACLU-MN intends to develop, then communicate, and then lead efforts to do everything in our power to ensure that Minnesota will continue to shine as a beacon of civil rights in America.

From the Legal Briefcase

(continued from page 1)

fear, by the way of raids and false accusations, as a tactic to intimidate people speaking up for justice. We chose to not be intimidated and want this to serve as a reminder to the Ramsey County Sheriff's Office and other law enforcement agencies that there is a cost to illegally suppressing political organizing." The six plaintiffs in this case, Nathan Clough, Vincent Collora, Scott Demuth, Celia Kutz and Alexander Lundberg intend to donate their litigation proceeds to local organizations that support infrastructure and capacity for social justice movement building.

Attorneys in the case include ACLU-MN volunteer attorney Albert Goins, Goins Law Office and National Lawyer's Guild volunteer attorney Geneva Finn and ACLU-MN Legal Counsel Teresa Nelson.

Beaulieu, et. al v. Ludeman, et. al

In mid-March, U.S. District Judge Frank adopted the Magistrate Judge's Report and Recommendation to dismiss our lawsuit challenging the conditions of confinement for individuals who have been civilly committed indefinitely to the Minnesota Sex Offender Program. Among other things, our lawsuit challenges policies requiring suspicionless strip searches, full restraints, including shackles for transports, opening legal mail outside the presence of the patient and retaliation against patients for filing lawsuits to assert their rights. The Court agreed with the Magistrate's recommendation to grant motions for Summary Judgment filed by both the Department of Human Services and the Department of Corrections and dismissed all of our claims with prejudice. We have appealed the Court's decision to the 8th Circuit Court of Appeals. Our principal brief was filed on May 31st. Briefing on the appeal will be completed by mid-July and a decision will likely not be issued until Fall 2011 or later.

Volunteer attorney Brian O'Neill from Faegre & Benson and ACLU-MN Legal Counsel Teresa Nelson are handling the case.

ACLU-MN v. TiZA

As of the printing of this newsletter, we are still awaiting the Court's ruling on our motion to confirm our settlement agreement with the Commissioner of Education. In our lawsuit, we argue that TiZA, a charter school has violated the U.S. and Minnesota constitutions by promoting and preferring Islam in its policies, practices and relationships with religious organizations. The defendants include TiZA Board members, key school administrators, the Commissioner of the Minnesota Department of Education and the school's sponsor, Islamic Relief USA. With regard to the main lawsuit against TiZA, the Court denied most of TiZA's motion for Summary Judgment but allowed some ancillary claims to be dismissed. In addition, the Court moved the possible trial date from June to November, 2011. TiZA's filing for bankruptcy on June 30th temporarily put this litigation on hold, but we have filed with the bankruptcy court to lift the temporary hold.

In January, we finalized settlements with the Commissioner and Islamic Relief USA. Our settlement agreements include a lengthy fact stipulation complete with exhibits to document the stipulate facts. The agreement with the Commissioner specifically requires that the fact stipulation and exhibits be available to the public. Because some of the exhibits are designated confidential under the Court's protective order, we need the Court's permission to publicly release the fact stipulation and exhibits. At an April 29th hearing to confirm the agreement with the Commissioner, the Court indicated that an order would be forthcoming regarding whether or not confidentiality designations on specific documents may be removed or must remain.

News from the Capitol

The newly elected Minnesota Legislature spent weeks of time working to curtail civil liberties in 2011. The ACLU-MN testified against six bills in the Public Safety Committee, four voter suppression bills, two anti-reproductive rights bills and two bills granting public funding of religious education. Behind the scenes, we also lobbied against anti-immigrant measures and efforts to suppress free speech rights. Our one proactive bill for forfeiture reform met its death in some political shenanigans in the Senate, despite having the support of the county attorneys and the non-opposition of police.

Except for the anti-gay constitutional amendment, all of the anti-civil liberties bills died, either in committee or by a Governor's veto.

The landmark legislation of 2011 was passage of the constitutional amendment to limit marriage to one man and one woman. Leading up to the vote on this amendment, gay rights activists, including the ACLU-MN, protested in the Capitol for four consecutive days, chanting and singing peacefully. Long time workers at the Capitol commented that they had never seen anything like it for volume and continued effort. To continue our work to obtain marriage rights for all people we have joined the Minnesotans United for all Families Coalition.

The nature of Minnesota is at stake in these constitutional battles. Is Minnesota a place of expanding individual rights or shrinking rights?

What can you do?

1. For starters, make sure you and all the adults in your family are registered to vote. Minnesota voter turnout was 55% in 2010 compared to 77% in 2008.
2. Encourage people to vote.
3. Please check to see whether your ACLU membership is current. Having a statewide,

dues paying membership distinguishes the ACLU-MN at the Minnesota Capitol. Your voices matter, and your membership is a loud statement of support.

In the words of Roger Baldwin, "the fight for civil liberties never stays won." Civil liberties are under attack in Minnesota, and with your help, the ACLU-MN will fight to win again and again

Our thoughts on the shutdown

The ACLU of Minnesota applauds Governor Dayton's refusal to trade constitutional rights for money in the final hours of the state's budget impasse. Although the result is a government shutdown which will adversely impact many Minnesotans, we believe there is no price tag for preserving constitutional rights and thank Governor Dayton for standing strong. Our hearts do go out to the thousands of Minnesotans whose lives will be harmed by this shutdown.

To try negotiating away the constitutional rights of Minnesotans in exchange for a balanced budget deal is a troubling abuse of power. At the ACLU of Minnesota we continue to have grave concerns about the constitutionality of several of the proposed provisions and will keep monitoring the legislature

Staff

Executive DirectorCharles Samuelson
Legal Counsel.....Teresa Nelson
Director of Major Gifts.....Doris Rubenstein
GMRJP Coordinator - Bemidj.....Audrey Thayer
GMRJP Coordinator - Mankato....Jose Alonzo Corpus
Public Education Coordinator.....Jana Kooren
Lobbying Coordinator.....Carolyn Jackson
Assistant to the Executive Director.....Molly Miller
GMRJP Office Manager.....Melissa Olson

Newsletter Editor:.....Jana Kooren

GMRJP - Bemidji

We would like to say miigwech (thank-you in our ojibwe language) to our Office Manager, Gina Walters, and Arnold LaJeunesse, Works Experience Intern, who have left our project after six years of committed work. We would like to welcome Melissa Olson, who grew up in the Mahnomen, MN area as our new Office Manager

Welcome to Melissa!

Melissa Olson is an Anishinabe enrolled member at the White Earth Reservation. She has an AA in Liberal Arts from University of Minnesota, Moorhead; She also has an AAS in Computer Science from White Earth Tribal Community College. She has 15 years of office administration experience working with White Earth Tribal and Community College. She is very active in the community of White Earth Reservation with cultural events. She is a mother of 5 kids. She enjoys making regalia for family and giving away to children that are unable to make dance regalia. She has a passion for helping others in need. She also enjoys spending time with her kids, her grandmother and her significant other doing traditional Anishinabe seasonal activities preserving the culture for future generations.

Art from Within

The second annual "Art From Within" exhibition (April 2011) took place this past spring. The event was made possible with a grant from Two Feathers Endowment, St. Paul Foundation. Twenty- four artists participated and submitted up to 3 pieces each. A panel of judges from the community juried the work prior to the opening reception. At the reception we presented 'Best of Show' and 'Honorable Mention' cash awards for each of our seven categories of artwork. (Beadwork, Drawing, Literary Arts, Painting, Sculpture, Textiles, and Woodcarving) An overall Best of Show Social Justice Award was also given.

Continued on page 7

GMRJP - Mankato

A word from the new organizer in Mankato

I want to start by introducing myself. My name is Jose Alonzo Corpus and I was born in Eagle Pass, Texas and raised in Piedras Negras, Coahuila, Mexico. After moving back to the United States, I became a migrant worker. I enrolled at the Minnesota State University in Mankato and in 2009 received a bachelor's degree in Political Science with a minor in Nonprofit Management from the University of Texas at San Antonio. I've been involved in organizing the Migrant and Immigrant communities for the past 7 years.

As a community organizer, I have heard the most heartbreaking stories from immigrants about the unfairness they face in the justice system. In order to achieve success, an organizer must have access to the different elements that ease the process of achievements: Interest groups, allies, financial resources, and ordinary individuals are part of an organizer's success. I have been blessed to have access to these important components. I am grateful to Paul & Rhoda Redleaf for their outstanding commitment to the ACLU Greater Minnesota Racial Justice Project in Mankato.

The GMRJP Coordinator will take on the responsibility of organizing people of color, educating surrounding communities about civil liberties, uniting peoples of all races and walks of life to create a voice for justice and to pass the word about the great work the American Civil Liberties Union of Minnesota does in protecting our civil liberties.

The ACLU-MN Greater Minnesota Racial Justice office is open to the public, and we would like to invite everyone to stop by our open house on **September 10, 2011 from 2:00 p.m. -5:00 p.m.** We are located at 227 E. Main St., Suite 100 Mankato, MN 56001. To RSVP or for questions please contact Jose Alonzo Corpus at 507-625-7966 or at jcorpus@aclu-mn.org.

Development Update

Summer at the ACLU-MN means house party fundraisers. They're not only a way to gain financial resources for our important activities; these events provide opportunities for members and new friends of the ACLU to interact very personally with staff and board members who conduct programs and make policies. The ACLU-MN depends on an informed membership: the more informed our members are, the more dedicated they are to our cause.

In the best of all possible worlds, fundraising is also *fun* raising. Who doesn't enjoy spending an evening at an architecturally-exciting home overlooking a calm lake or woodland? The ACLU-MN is also fortunate to have access to a private box at Target Field; it seems that when our group is there, the Twins turn out to be winners!

We're making efforts to connect with members all over the State, not just in the Twin Cities. This year has seen events in Northfield, Stillwater, and the Brainerd area. And the Greater Minnesota Racial Justice Project always hosts a great event in Bemidji. If you would like to host a fundraiser and bring a group of like-minded civil libertarians together in your community, please let me know by calling 651-645-4097 x 126 or email drubenstein@aclu-mn.org.

While it's not a house party, no matter where you live in Minnesota, you'll be invited to our *Founders of the Future Awards* event on August 8 at the Hubert H. Humphrey Center on the U of Minnesota West Bank Campus. It's an all-star cast with, Stevie Ray as emcee, entertainment by guitar legend Leo Kottke, and featuring ACLU National Legal Director Steve Shapiro as keynote speaker. His talks on the Supreme Court are not to be missed!

Many of you and your ACLU friends will be recognized for your generosity and loyalty. I look forward to thanking you for your support of the ACLU when we meet there.

Tributes

Gift in memory of Joyce DeHarpporte:
Chuck and Anna Silverman

Gift in honor of Stephen Cooper:
Teresa Flagg
Wendy Schultz
Patricia Weinberg
Barbara J. Wright

Gift in memory of Sheldon Kaplan,
Gift in Honor of Anita and Mike Runin
Gift in Honor of Bob and Audrey Rees:
R.E. (Robert) and D.M. (Doris) Rose

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 2800 Myrtle Ave, Suite 180, St. Paul, MN 55114.

GMRJP - Bemidji



Continued from page 6

"Art From Within" evolved from the nature of our efforts: Our work at the ACLU-MN, Greater MN Racial Justice Project can sometimes cause us to be isolated from the larger

Best in Show

community because we are so immersed in the elements of the criminal justice system. Our aim therefore, was to find a way to provide the community with an awareness of our work and to provide our clients with a connection to that world in a form/ more recognizable than a statistical number.



2300 Myrtle Ave
Suite 180
St. Paul, MN 55114

ACLU-MN Foundation Contribution Form

Mail completed form and your tax-deductible contribution to:
ACLU-MN Foundation ■ 2300 Myrtle Ave ■ Suite 180 ■ St. Paul, MN 55114

Name (please print) _____

Address _____

Email _____

Here is my tax-deductible gift of \$ _____ to
support the work of the ACLU-MN Foundation.

Method of Payment

Money Order

Check

Visa

MasterCard

American Express

Credit Card # _____ Exp. date _____

Signature _____

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).