



ACLU

**AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA**

CIVIL LIBERTIES NEWS

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Summer Newsletter 2012

ACLU files petition to keep voting amendment off the ballot

The American Civil Liberties Union filed a petition May 30 seeking to strike a constitutional voting amendment from November's ballot on the grounds that it is misleading and fails to inform voters of changes in election laws that could compromise people's fundamental right to vote.

The petition was filed in the Minnesota Supreme Court on behalf of the League of Women Voters Minnesota, Jewish Community Action and Common Cause Minnesota, as well as five individual plaintiffs: Gabriel Herbers, Shannon Doty, Gretchen Nickence, John Harper Ritten, and Kathryn Ibur.

In April, the Minnesota legislature put a constitutional amendment on the ballot that would change the state's election laws in several ways, including requiring individuals to present government-issued photo ID before receiving an in-person ballot. The ballot question is unreasonable and misleading because it erroneously describes some of the changes, while failing to even mention other fundamental changes:

- It only mentions "valid ID," but the amendment requires a "government-issued ID," which means voters could be misled into thinking some IDs are valid.
- It fails to disclose that there will be a verification process that could essentially end election day registration and that there will be a new and costly provisional ballot system.
- It incorrectly describes who has to present an ID.

Oral arguments were held July 17, and a decision is expected in August.

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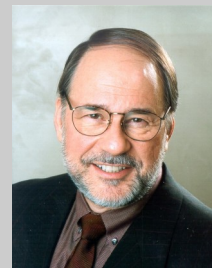
State Fair circus protest

This spring, the ACLU-MN and volunteer attorney Alain Baudry were successful in convincing Minnesota State Fair officials to allow animal rights protesters to peacefully demonstrate within sight and sound of a circus that was held at Warner's Coliseum on the grounds of the Minnesota State Fair. The Coalition for Animal Rights Education (CARE) has exercised its free speech rights to hold signs, chant and distribute leaflets designed to educate circus patrons about the treatment of animals used in circuses. In previous years, Minnesota State Fair officials have denied their request to demonstrate and distribute literature in close proximity to the event, erroneously stating that demonstrations and protests are completely banned inside the fairgrounds even when the State Fair is not in session. Their demonstrations were relegated to

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From the President

Vance Opperman



Horse Laugh Needed

We have been reminded of the importance of the United States Supreme Court most recently in the 5-4 decision upholding the Affordable Care Act. Many important social advances in this country have been the result of 5-4 decisions. One would have to live in some kind of parallel universe to believe the politics of Supreme Court appointment does not have an outsized impact on the important social (and economic) issues animating our society.

The climate of public opinion has an impact on federal judges appointed for life. When “serious” candidates for President of the United States can publicly wage war on the American Civil Liberties Union, Planned Parenthood and related organizations, it indicates that we have not done our job in informing public opinion to the point where such attacks would be met with a resounding horse laugh. Justice Douglas once suggested that attacks on the First Amendment would be better met by a horse laugh than a long

opinion from the Supreme Court. But if we do not support candidates for office who support civil liberties, or if we do not help build the climate of public opinion that supports Constitutional freedoms, the horse laugh will be on us. Toward that end, I’d like to make two suggestions.

First, consider increasing your contributions to the ACLU-MN chapter. We are efficient, our budget is very lean, and we get a lot of bang for the buck because of the many fine law firms that volunteer their time and the many fine board members who volunteer their time and money.

Secondly, consider doing a shift or two at the Minnesota State Fair. It is a rollicking good time and you will be glad you did it.

So have a great summer. Double your contributions and commitments, and we’ll see you at the State Fair.

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From the Executive Director

Charles Samuelson



Thank you for your support

Generally the only time that people get thanked is when they give money to an organization. Those of you who have sent donations to the ACLU of Minnesota Foundation have received a letter thanking you for your contribution. This letter is suitable for proving that you made a tax deductible contribution to the ACLU of Minnesota Foundation. Whether you frame it or not is up to you.

I'd like to thank you now for showing up. As we labor to stop the marriage and voting amendments, I am more and more aware of how important it is that people show up. In 2008 almost three million Minnesotans cast ballots. That number shrank to 2.1 million just two years later. The nine hundred thousand people who failed to vote in the 2010 election made the difference. They enabled the legislature to shut down the government and to bypass the Executive Branch with two amendments that could change the face of Minnesota forever.

Perhaps these 900,000 people intended to not participate. Perhaps this was a boycott and not simply a reaction to the bombardment of negative ads and the dysfunction of the US Congress. Either way, the legislature committed itself to cutting government and to restricting its programs to those people most like themselves.

It is now 2012 and there will be another opportunity to participate in November. I am confident that you will show up. I only hope that you bring your friends, neighbors, children, and relatives along as well. As has been proven this year, this country does not function well when only a few people show up.

So, thank you again for your past efforts and thank you in advance for showing up this fall as well.

With a Single Sentence, You Can Defend Freedom Now and Forever.

Right now, by adding the ACLU to your will, you can leave a legacy of liberty for generations to come and defend our freedom today.

Name the ACLU in your estate plans and the LuEsther T. Mertz Charitable Trust will make a cash matching contribution of up to \$10,000 to the ACLU today, while matching funds are available.

For simple bequest language to include in your will and for information on other gifts that qualify for the Legacy Challenge, visit www.aclu.org/legacy or call toll-free 877-867-1025.

AMERICAN CIVIL LIBERTIES UNION
LEGACY
CHALLENGE



For more information about the legacy challenge
Call Carol Stoddart at 651.645.4097 x126

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State Fair circus protest cont'd

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an area across the street from the fairgrounds and several blocks away from the circus, making it difficult for members of the group to reach their intended audience. The ACLU-MN agreed to provide them with legal assistance because the State Fairgrounds are considered a limited public forum and we believe that the total ban on demonstrations and literature distribution on public sidewalks while the State Fair is not in session, is an unconstitutionally overbroad restriction on the right to free speech.

After being contacted by the ACLU-MN and our volunteer attorney, State Fair officials agreed to allow the group to demonstrate and distribute leaflets on the public sidewalks leading up to and in front of the Coliseum. In a meeting between State Fair officials and a CARE representative, we successfully negotiated a satisfactory agreement between the two groups that allowed CARE members to get their message out to circus patrons. We are pleased that State Fair officials were willing to ensure that CARE's First Amendment rights remain protected and are hopeful that groups wishing to demonstrate in the future will also have their rights protected.

For more updates on our legal cases please visit our website at www.aclu-mn.org

GMRJP - North

This spring and summer, GMRJP North had volunteer court monitors observing court cases (from arraignments to sentencing) in Itasca, Cass and Beltrami Counties. The mission of our court monitoring program is to make the justice system more effective and responsive regarding individual's civil liberties by creating a public presence in the courtroom, and to create a more informed and involved public. Volunteers are tasked with recording their observations and demographic information as they observe daily court proceedings. The raw data gathered by our volunteers is then used to better understand and identify racial justice disparities within the criminal justice system and to improve its administration. Over time, patterns and issues within the court system can be identified through analyzing the raw data recorded by our volunteers and then it can be used to propose practical solutions.

In the last five years, the court monitoring program has become institutionalized within our regional county courtrooms; judges recognize our volunteer's blue clipboards, signifying their ACLU-MN affiliation, and attorneys notice if our monitors aren't present in the courtroom. Similarly, we find complainants going through county court are reassured by having additional "witnesses" to their court appearances. It is our hope that the court monitoring program will only continue to grow and expand to more counties in the future. In order for the program to be sustained, however, we rely on the dedication of volunteers both sitting in the courtroom itself and conducting data analysis. Currently, we have two retirees, one student, one pre-law gap-year volunteer and three interns participating in the court monitoring program. We welcome volunteers from all stages of life (you must be 18 years or older, however) and we work with new volunteers on a rolling-basis.

We also maintain a "jail roster project" which tracks the number of incarcerated American Indians in our regional jails. This project compliments the court monitoring program;

GMRJP - North

providing important data on how sentencing impacts different individuals due in large part to social economic factors. Incarcerated American Indians are sent educational materials on court proceedings and know your rights cards. As an example, for the months of April, May and June, the average percentage of American Indians held was 64% in Cass County Jail, 61% in Beltrami County Jail and 60% in Clearwater County Jail. Beltrami County is estimated to have a 19.9% American Indian population. Thus, we have work to do to make the jail populations more accurately reflect the community that it comprises.

Sometimes when unfortunate events occur an opening for positive response and learning is possible. On memorial weekend in northern township Bemidji, an eight foot cross was placed and set on-fire in the yard of a bi-racial family. Instead of speculating on the intentions behind such an act; GMRJP North, along with other allied organizations in the county, responded to the incident by organizing a rally to move forward. The burning cross sent a strong message to the community-and beyond- that racism continues to rear its head in northern Minnesota. Despite the egregiousness of the incident; we at GRMJP well know that racism manifests in many different ways, beyond such a clearly identifiable act. The cross burning incident provided an opening for our staff to talk with others about the problems we see facing our communities and how we can better promote a safe, positive living environment for all. Our long-term work on reducing the incarceration rates of American Indians in our county jails, increasing public discussion and participation within our criminal justice system and educating individuals about their rights are other ways in which we work to address institutional and insidious racism that can easily go overlooked. It is our hope that the outpouring of condemnation for the cross burning will continue to ignite movement to learn about and undo some of the other ways in which American Indians and persons of color face many barriers in northern Minnesota.

GMRJP - South

We are pleased to welcome Angel Manjarrez as our new community organizer. Angel was born in Chicago, IL but moved to Gaylord, MN at the age of 13. He graduated with a B.A. from the University of Minnesota in 2010 with a degree in Sociology of Law, Criminology and Deviance with a Minor in Leadership. He previously worked as a Legal Assistant for law firms and began volunteering with the ACLU in 2012. Angel has done a great job of introducing himself to the community and had his first radio spot on a local Latino radio station.

This month, our office is celebrating our one year anniversary in Mankato. We held a well attended open house event to celebrate. We have continued our focus on community outreach by meeting with many city, school, and community leaders. In addition, we have several immigrant rights workshops coming up in the next month. Our national MiACLU program kicked off and we have been collecting signatures for petitions to stop anti-immigrant laws.

In order to learn more about issues affecting the Latino community, we have begun collecting personal stories of families who have been impacted by deportation of family members. We have done some outreach with the local Somali and Sudanese populations and we are looking forward to working more with them.

We also said goodbye to our two interns, Mary Roop and Eric Dronen, as they graduated from Gustavus Adolphus College in May. They did great work for us and helped recruit students to continue our student chapter at GAC. We are very excited about several new interns from Minnesota State University-Mankato who will begin working with us in the fall.

Vote No 2012

Until November the ACLU-MN is investing a substantial amount of time to defeat the two constitutional amendments on the ballot. We are a part of both coalitions, Minnesotans United for All Families and Our Vote Our Future. We will additionally be doing work separately from the campaigns so we can give the message "Vote No" on both.

As one of the lead organizations in the campaign Our Vote Our Future, we have been able to help guide and shape how the campaign looks. Since that is a newer campaign here is some information about its progress.

The Voting Rights Act was passed in 1965 under the leadership of Hubert Humphrey as Vice President and Walter Mondale as his successor in the Senate. Mondale knows about the power to vote and the insidious effects of voter dilution and suppression.

On June 26th, Walter Mondale, former Governor Arne Carlson, former Congressman Tim Penny, and civil rights leader Josie Johnson, announced that they would chair the effort to defeat the voting amendment in Minnesota. Dr. Johnson told the story of how she had petitioned to have poll taxes repealed in Mississippi, and how then-Senator Mondale had worked to make poll taxes illegal.

It is with irony, then, that we quote another Minnesotan, Dan McGrath of Minnesota Majority, who responded to the Mondale/Carlson announcement: "These guys are no election experts."

Of course this comment ignores the number of statewide elections won by the former Minnesota Attorney General and United States Senator and the former Minnesota State Auditor and Governor.

But it also belittles the history of the Voting Rights Act. Mondale knows about precincts

drawn to dilute minority votes and barriers to the ballot box like poll taxes and literacy tests. He knows what it means to defeat those limits on citizen power.

And the comment belittles the history of the other co-chairs: Carlson knows well how party extremists try to block rational candidates. Penny knows how much veterans value their franchise. Johnson knows what voting discrimination feels like.

Our country has so many freedoms that sometimes we take them for granted. Even in Minnesota, at its historic voter turnout height, over 20% of our eligible voters stayed home. One vote among millions seems so small, but each voter that stays home or is turned away abandons their most basic power as a citizen. In the end, it is the votes cast, not the money spent or the talking points fashioned, that determines who wields power in our country. Justice is linked with power. Limiting the power to vote is a big deal. In November 2012, will Minnesota believe in justice and liberty for all?

We need your help!

One of the hidden problems of the voting amendment is its impact on local government costs. Volunteers in Bloomington, Shorewood, Mendota Heights, Shoreview, Red Wing, and North Oaks have contacted their city clerks and asked them some basic funding questions. If you would be willing to do the same and report in to us, you would accomplish two goals: First, we will get a broader picture of the costs of this amendment. Second, local officials learn that there are citizens in their community concerned about this issue.

Here are the questions:

In general:

-Does your city or school district have an election in 2013?

-How many precincts does your city have?

cont'd next column

Volunteer at the State Fair

The ACLU of Minnesota is currently looking for volunteers to work at the ACLU booth during the Minnesota State Fair which runs from Aug. 23 —Sept. 3, at the State Fairgrounds in St. Paul.

Interested volunteers will be asked to attend a short training, will receive a ticket into the State Fair and a t-shirt as a small thank you.

If you are interested in volunteering at the State Fair please contact Jana Kooren at 651-645-4097 x123, jkooren@aclu-mn.org, or check online at www.aclu-mn.org for more details.

If you are not able to volunteer at the State Fair, we at least hope you can stop by our booth and pick up your very own Bill of Rights on a stick!

Vote No cont'd

Voting patterns:

- How many voters register to vote on election day?
- How many voters vote by absentee ballot?

Provisional Ballot Costs. What would be the cost of providing:

- One secure provisional ballot box container per precinct
- One lock or other security per provisional ballot box
- Two additional election judges per precinct at all general elections per year?
- Additional election judges for days following all elections to verify photo IDs for provisional ballots and counting ballots?
- Special provisional ballot printing and envelopes at all elections every year?
- Additional election judge training for provisional ballot procedure?

Please send results to Carolyn Jackson at

Development Update

An Hour that Protects Civil Liberties – Fulfill Liberty's Promise Breakfast, October 2, 2012

As a member of ACLU-MN, your dedicated support demonstrates your personal commitment to protecting the civil liberties of your fellow Minnesotans and protecting a way of life of which we are all proud. This work is critical in light of the proposed amendments to the Minnesota Constitution proposed to be on the ballot in November.

On Tuesday, October 2, from 8 to 9 a.m. at the Nicollet Island Pavilion along the Minneapolis Riverfront, you have the opportunity to share your dedication to this important mission with family, friends and colleagues by participating in the Fulfill Liberty's Promise breakfast.

At this powerful one-hour event you and your guests will gain insight into the critical work of ACLU-MN and its vital impact on the lives of all Minnesotans as we celebrate 60 years of protecting civil liberties in our state. There is no cost to guests or their hosts to attend this sponsored breakfast, making it possible for anyone to participate.

Since Fulfill Liberty's Promise is a fundraiser, attendees will be asked to consider making a financial gift to ACLU-MN, but that is entirely up to each individual: there is no minimum or maximum gift required.

ACLU-MN members can participate in the event as table captains, which entails committing to attend and to getting nine others to join you. You can also be an sponsor, come as a guest, or volunteer to help the day of the event.

To become a table captain, register as a guest or volunteer to help on October 2nd, please call Carol Stoddart at 651-645-4097, ext. 126, or email cstoddart@aclu-mn.org.

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