



# ACLU

**AMERICAN CIVIL LIBERTIES UNION  
of MINNESOTA**

## CIVIL LIBERTIES NEWS

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Summer Newsletter 2013

### Banking While Brown

What was supposed to be an unremarkable trip to the bank for Gaylord resident Jesus Mendoza quickly turned into an Orwellian nightmare. While attempting to make a deposit at a bank “drive thru,” law enforcement approached the vehicle she was in, questioned the two occupants, and later arrested the driver.

Although police dispatch clearly indicated that law enforcement did not have a valid reason to detain Mendoza and officers on the scene were able to confirm her identity with a Minnesota state ID, Sibley Sheriff Deputy Marvin Doeden refused to let the Spanish-speaking Mendoza leave for work. Despite a complete lack of probable cause or reasonable suspicion of criminal conduct, deputy Doeden detained Mendoza, searched her person, and then took her to the Gaylord Police Station for questioning. At no point was Mendoza given an explanation of her rights.

At the station, Mendoza was interrogated on record by law enforcement officers in a large conference room. In a poorly-translated interview, an outraged Officer Jeff Milette repeatedly accused Mendoza of lying about her identity. In humiliating fashion, the officers took to

**“Look at the monkeys!  
Look at the monkeys!”**

**- Gaylord police officer Milette,  
referring to minority detainees in  
lockup.**

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### Triumphs and Setbacks in the Legislative Session

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#### Civil Liberties News

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Six short months after defeating the anti-marriage and voter restriction amendments on the November ballot in a resounding victory for the state, we are proud to celebrate several other accomplishments in Minnesota:

- Governor Dayton signed the **Freedom to Marry Law** on May 14. This victory came after 40+ years of fighting for marriage equality that started when the ACLU of Minnesota filed the very first same-sex marriage case in the United States. Minnesota will be the 12th state to grant the freedom to marry to all Minnesotans when the law goes into effect on August 1.
- **Voting rights** were expanded when no-excuse absentee voting was signed into law. Under the new rules, any Minnesotan can vote absentee before Election Day (previously an excuse was required). This will help expand access to voting and reduce lines on Election Day.

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# From the President

## *Cris Stainbrook*

### Meet Cris Stainbrook

Ten years ago what I knew about the American Civil Liberties Union would not have filled a thimble, as the saying goes. But as my children remind me by asking, “What is a thimble?”, the world has changed, and I have changed.

When asked nearly a decade ago to consider serving on the board of the ACLU of Minnesota, as a non-lawyer, I was hesitant to accept the position. I pondered my past experiences with working on fishing and water rights throughout the Columbia River Basin, voter registration drives in a number of states, and more than a few years of working on Indian land issues and ownership rights. In the end I concluded that, if nothing else, I would bring a lifetime of experience in witnessing how, in the absence of vigilance, civil liberties and rights can be eroded on a daily basis through seemingly innocuous legislation, regulation, and administrative rules. I am now proud to be a member of the Minnesota affiliate of the ACLU, knowing that there is an organizational primacy to remaining vigilant in protecting civil liberties.

I matriculate to the seat of board chair and follow in the impressive footsteps of my predecessor, Vance Opperman. Vance led the organization to new levels through many different facets, in a time of great accomplishments, and in a time when progressive

action on civil rights was front and center in Minnesota. On behalf of the board and membership, I thank Vance for his commitment and leadership over the past two years.

That said I need to also say, I am no Vance Opperman.

I will need all of you,

every member of the ACLU of Minnesota, to help me and the accomplished staff of the organization to continue the upward trajectory that Vance has started. Whether it is informing the staff about local civil rights issues, volunteering at an ACLU of Minnesota event, recruiting new members among your friends, attending the annual membership meeting, or simply informing yourself and friends about civil liberties-- I need you, the organization needs you, and most importantly, you need yourself to become an active member to protect your own civil liberties.



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# From the Executive Director

*Charles Samuelson*

## Marriage and Michelle Bachmann

The same-sex marriage issue helped propel Michelle Bachman into Congress in 2006 on a homophobic platform. As senator, Bachmann quickly introduced a bill calling for a constitutional amendment banning same-sex marriage. To her misfortune, she was six years ahead of her time.

Little does Bachmann know that the ACLU of Minnesota “discovered” LGBT rights and marriage equality while the (soon to be former) U.S representative was still in school. Nor is she probably aware that the ACLU of Minnesota (then known as the Minnesota Civil Liberties Union) sued the City of Minneapolis to allow the Gay Pride Parade and then sued the Minneapolis Park Board to allow the Gay Pride Block party.

In 1972, the ACLU of Minnesota represented Jack Baker in the landmark case, *Baker v. Nelson*, 409 U.S. 810. *Baker v. Nelson* was the first case in the country to attempt to overturn the ban against same-sex marriage. As is demonstrated by our involvement in *Loving v. Virginia*, the ACLU has always viewed marriage as a basic civil liberty.

The ACLU of Minnesota lost in *Baker v. Nelson* but continued to work as hard as possible to bring civil liberties to everyone, regardless of whom they loved. The final act in the marriage fight began with the election in 2010 of a Republican-controlled Minnesota House and Senate, coupled with the election of Mark Dayton as governor. This result forced the legislature to send the issue to the electorate in 2012.

Minnesotans responded en masse. The ACLU of Minnesota joined OutFront Minnesota, Project 515, and dozens of religious organizations to form Minnesotans United for All Families, and for the first

time in 32 years nationally, a constitutional amendment banning same-sex marriage was defeated.

Minnesotans United for all Families and its affiliate groups did not stop there. They then

proceeded to convince a Democratic-controlled Minnesota House and Senate to pass a bill allowing same-sex marriage after four months of intense lobbying. On May 14, Governor Dayton signed the bill and now loving couples of the same sex will be able to marry in Minnesota beginning on August 1, 2013.

After 41 years, the ACLU of Minnesota can finally put this issue to rest. And in the same year Michelle Bachman is ending her political career. Somehow that seems fitting.



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## Mendoza Case cont'd

shouting at her, asking her how she came to the United States, demanding she produce immigration documents, calling her a liar, and telling her to “shut up.” At no point was she free to leave.

After the interrogation, three officers escorted Mendoza to her home to see if “she had paperwork to prove that she is the same person on her license.” When they arrived at her home, two officers entered the home without her permission and without consent. Officer Milette escorted Mendoza into her bedroom and proceeded to grab and inspect her personal papers. Only after he was able to confirm that she was legally in the United States did he let her go free.

In audio from the day of the incident, Officer Milette can be heard gleefully explaining how much he would enjoy making some popcorn and pulling up a chair to tease minority inmates into fighting. “**Look at the monkeys! Look at the monkeys!**,” he exclaimed. He also suggested they could always “**mop up the blood later.**” One jail employee proposed that two Hispanic inmates fight. In apparent disagreement, Officer Milette reminded the employee that Rosales wanted “no part of [fighting] Zambrano” the other night.

—**The ACLU of Minnesota** has filed a lawsuit on Mendoza’s behalf against the Gaylord Police Department for racial profiling and her illegal detention and arrest. Attorneys working on the case are: Albert Goins, Goins Law Offices, Ltd., Ian Bratlie, Staff Attorney, Greater Minnesota Racial Justice Project of ACLU-MN in Mankato; and, Teresa Nelson, ACLU-MN Legal Director.

Several other incidences involving the Gaylord Police Department are currently being reviewed by ACLU of Minnesota. 59 percent of one Gaylord officer’s tickets were issued to Latinos, who make up about 23 percent of the local population. This same officer has very high rates of ticket dismissals. Other officers in the area ticket Latinos about 30 percent of the time. Visit us at [www.aclu-mn.org](http://www.aclu-mn.org) to file a complaint if you or someone you know has been targeted by the police on the basis of race or national origin.

## Legislative Updates

- All Minnesotans now have access to higher education through the passage of the **Minnesota Dream Act**. The Act gives all Minnesotan students at public colleges and universities the right to in-state tuition rates, state financial aid, and private scholarships, regardless of immigration status.

Despite these promising victories, the ACLU of Minnesota is disappointed that the following bills did not pass:

- A bill regulating **automatic license plate readers**. These devices are used by law enforcement to monitor and track your movements. There are currently no laws dictating how long police can keep your data or what they can do with it. The Minnesota House passed a bill that prevented law enforcement from storing records of innocent drivers. However, the Minnesota Senate failed to pass any similar measures. The ACLU of Minnesota is hopeful that a bill regulating automatic license plate readers could pass in both houses in the next legislative session.
- A bill giving **felons the right to vote** immediately after being released from prison. Individuals with a felony on their record currently must wait until they are off parole to vote in Minnesota. This is a much needed reform and we hope that it will pass next session.
- Two bill regulating **civil asset forfeiture**. Two fixes proposed in this legislative session would have done a better job of protecting your property and privacy rights. The ACLU of Minnesota intends on continuing the fight for privacy rights.



## Marriage F.A.Qs

Now that same-sex couples have the freedom to marry in Minnesota, the ACLU of Minnesota has compiled a guide to answer some frequently asked questions about the new law. The complete list of FAQ's can be found on our website at: <http://www.aclu-mn.org/issues/glbtiissues/freedom-marry-faq>.

### What does the new law do?

The Marriage Equality Act grants same-sex couples the freedom to marry in Minnesota. Minnesota is now the 12th state to allow same-sex couples to marry. This Act gives more than 10,000 same-sex Minnesotan couples the right to be married while they raise more than 3,300 children.

The Act states that marriage licenses cannot be denied to same-sex couples, and that no government or private entity can deny the rights, benefits or protections of marriage to same-sex couples who are legally wed. Furthermore, any state law that uses gender-specific terms to describe spousal rights and responsibilities will now be interpreted in a gender-neutral manner. Valid marriages from other states and countries with fair marriage laws will now be recognized in Minnesota, and will be treated the same as in-state marriages.

### When can same-sex couples start getting married in Minnesota?

The new law takes effect on Thursday, August 1, 2013.

### Can a church or member of the clergy refuse to marry me and my partner?

Yes. Although the freedom to marry law guarantees you the right to marriage, it does not require churches or ministers to perform religious marriage ceremonies for same-sex couples. However, the ACLU of Minnesota hopes that this will become less of an issue as more and more religious institutions are allowing their clergy to marry same-sex couples.

## Art from Within

This year the ACLU Greater Minnesota Racial Justice Project hosted its 4th Annual *Art from Within* exhibit in Bemidji.

*Art From Within* is an art exhibit featuring artwork that gives a personal and compelling view into the lives of real people whose civil liberties have been challenged. Past exhibits highlighted works by Ojibwe artists as well as individuals impacted by incarceration. It is an exciting event that gives a space for non-traditional artists to access a mainstream art venue.

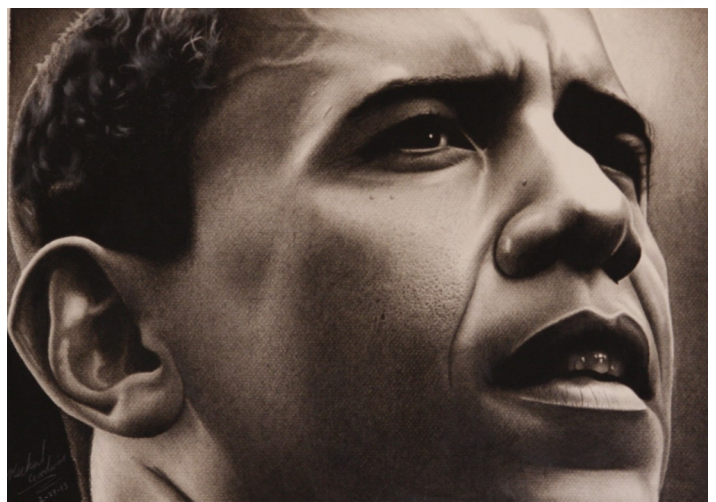
This year over 34 artists submitted pieces of work, representing an exciting 40 percent increase in submissions from last year. Many artists submitted multiple pieces of work. A total of 14 of our artists are currently incarcerated.

The art was displayed at Headwaters School for Music as one of the stops on an "art crawl." Over 100 people attended the exhibit's opening night.

Michael Goodwin, Jr. received the Best in Show Award for his charcoal drawing of Obama, and Lindsey Owens received the Social Justice Award.

The art show was sponsored by Region 2 Arts Council, Clean Water Land & Legacy Amendment.

Charcoal Drawing of President Obama



Credit: Michael Goodwin, Jr. Best in Show Award recipient, 4th Annual *Art From Within* exhibit.

## Guest Columnist

*Chris Kluwe, former punter for the Minnesota Vikings  
(now a punter for the Oakland Raiders)*

### Let's Put an End to Exclusion

Looking around the world today, I am struck with the nagging suspicion that too many of us here in America take our freedoms for granted. We think that the world was always built on the ability to speak your mind without fear of repercussions from the state. We think that because we were born into an environment of stability and opportunity that everyone has the same chance to succeed, and that it is only laziness that is holding people back. We think that America will last forever because that is simply the way it has to be.

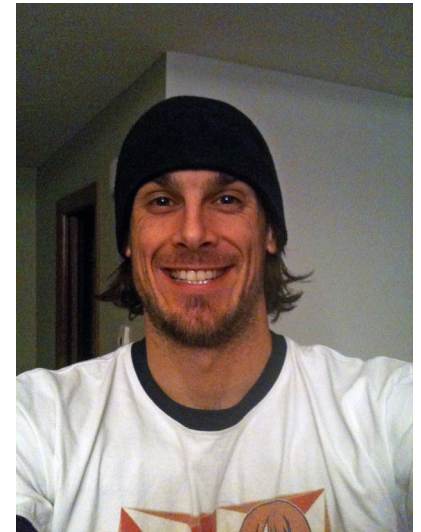
We think that if we are not personally oppressed, then everything is just fine. We wonder why so many other people are complaining.

Historically, this is not a successful mindset for citizens of a society that wants to thrive. **A strong civilization builds on the abilities of all its people by including them, not by exclusion.** Exclusion breeds strife, discontent, conflict, and eventual collapse. Exclusion brings us the Arab Spring, the American and French Revolutions, and the Germanic uprisings that toppled Rome. Exclusion brings us countless wars around the globe.

Exclusion brings an end to all societies, everywhere, and eventually replaces them with ones more inclusive. If they do not maintain that inclusiveness, they are replaced in return.

This is why gay marriage is important to me. This is why economic inequity is important to me. This is why basic human rights are important to me. Even though these things do not affect me personally, these ARE problems in our society that we need to fix, and too many people are caught up in the mindset of "As long as I get mine, everyone else can fend for themselves."

I do not want my children to grow up in that world. I want my children to grow up in a society that is more inclusive than the one I grew up in, not less, because to do otherwise is to set them on that same failed path so many others have walked. I want their feet to travel the road that leads to peace and security, not fear and conflict.



Gay marriage in Minnesota is a good step toward inclusion, but the journey is still long, and we have many steps left to take.

**—Make sure to march with us in the Twin Cities Pride Parade on June 30. Pride Parade Grand Marshal, Chris Kluwe, will be stopping by our marching contingent before the parade begins!**



## March with ACLU-MN in the Pride Parade

March with the ACLU of Minnesota in this year's Twin Cities Pride Parade on Sunday, June 30 in downtown Minneapolis. Join us to celebrate the ACLU of Minnesota's long history of defending LGBT rights and to celebrate the passage of the Freedom to Marry Act.

This year we want our marching contingent to be bigger and better than ever so we need YOU to join us! Don't forget: **Oakland Raiders punter and parade Grand Marshal, Chris Kluwe, will be stopping by our parade contingent to personally greet us!**

Bring your friends, family, and loved ones—all are welcome. This year's contingent will feature Lady Liberty crowns and lots of freebies for the crowd, including beads and candy. **You get a free t-shirt!**

The line-up for the parade begins at 3rd Street South & Hennepin Ave. in Minneapolis. The parade will march down Hennepin Avenue to the Pride Festival at Loring Park. We hope to see you on the 30th! For questions or to RSVP contact **Emerson Beishline** at [ebeishline@aclu-mn.org](mailto:ebeishline@aclu-mn.org).

## Volunteer at the State Fair

The ACLU of Minnesota is currently looking for volunteers to work at the ACLU of Minnesota booth during the Minnesota State Fair, which runs from Aug. 22-Sept. 2 at the State Fairgrounds in St. Paul.

Interested volunteers will be asked to attend a short training and will receive a **free state fair admission ticket and t-shirt** as a small "Thank you."

If you are interested in volunteering at the State Fair, please contact **Emerson Beishline** at 651.645.4097 x123 or [ebeishline@aclu-mn.org](mailto:ebeishline@aclu-mn.org).

If you are not able to volunteer at the State Fair, please stop by our booth and pick up your very own pocket-sized copy of the U.S. and Minnesota constitutions.

## Legacy Challenge

# 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 freedoms 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](http://www.aclu.org/legacy) or call our Development Director, **Carol Stoddart**, at 651.645.4097 x126.

AMERICAN CIVIL LIBERTIES UNION

# LEGACY CHALLENGE



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