



AMERICAN CIVIL LIBERTIES UNION
of MINNESOTA

Victory in Immigration Detention

In early May, the ACLU-MN sent a letter to every sheriff in Minnesota urging them to end compliance with immigration detainer requests from federal authorities which request that a person be held in jail for up to six days after they would otherwise be released.

In June, the Hennepin County Sheriff, followed by the Ramsey County Sheriff, announced that they will no longer honor these unconstitutional immigration detainer requests.

Immigration detainers occur when an individual is arrested for any reason and booked into jail. The jails

send booking information to Immigration and Customs Enforcement (ICE). ICE then singles out individuals based on

things like being foreign-born or a fingerprint “hit” in an ICE database. Some jails also report individuals to ICE if they suspect they are noncitizens subject to detainers. ICE then sends a detainer, which is a formal request to a local jail to notify ICE before they release somebody from custody, and to hold the person for up to 48 hours (not including weekends or holidays) after he or she would otherwise be released so that ICE can arrange to take over custody. *continued on page 5*

Minnesota Bosses that Want to Control Your Access to Birth Control

Recently, the U.S. Supreme Court ruled that private, for-profit companies cannot be forced to provide insurance coverage for certain types of contraception. This decision stems from a lawsuit filed by Hobby Lobby (a craft store chain), who objected to providing certain types of contraception that were mandated to be covered under the Affordable Care Act. The ruling said that these private companies could not be required to provide coverage for some types of IUDs and emergency contraception because it forced the owners of Hobby Lobby to compromise their religious beliefs.

It is important to note that the Supreme Court did not rule this way because of the First Amendment; instead they said it was the Religious Freedom Restoration Act (RFRA) that forced them to rule this way. RFRA was signed into law in the 1990s, and concerns how much a person’s religious beliefs can be imposed upon by other laws.

In Minnesota there are eight companies that have filed similar cases: Annex Medical, Doboszinski & Sons, Feltri and Company, American Mfg Company, Hasting Automotive, The QC Group, SMA, and Stinson Electric. These companies range from parts manufacturers to small businesses that you might patronize.

Hastings Automotive objected to the same two types of contraceptive methods that Hobby Lobby did, but the other seven are even worse than Hobby Lobby because they want to go further than just those two types of birth control. They don’t want to cover any type of contraception, sterilization (like hysterectomies and vasectomies), or even education about these options! These companies want to prevent YOUR doctor from telling YOU about all of your medical options.

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Observations From My Travels

Over the past four months I have been travelling throughout the country, from Anchorage, Alaska to Bangor, Maine to San Diego, California to New Town, North Dakota to Washington, D.C. It seems I spent less time in Minnesota lately, than in the distant parts of the fifty states. I was able to stay in contact with what was going on at home via e-mail and other technological means. A few things became very clear to me during my road time. Allow me a few minutes to give you some reflections.

First, civil rights are under pressure in unimaginable ways in virtually every corner of this country. Some of it is the same old thing, a handful of ranching families deciding a couple of seats on a North Dakota school board while tens of thousands of Indian votes are divided between two seats. Some of it is new, candidates for local offices trying to “out conservative” their opponents and proposing new limitations on the rights of the populace through government interventions on women’s medical care. Some of it is sadly humorous, like the heirs of immigrants trying to limit the rights of newly minted immigrants. I will admit to you that prior to my involvement with the ACLU these issues would often have been background noise to my other reasons for being in these locales. Now the inequities of applying civil rights jump off the pages of local newspapers like headlines.

The second observation I would have after extended road time is that the populace of Minnesota is not nearly as politically divided as many other places. If one spends time in one area one comes to think that the political

spectrum of that area represents the spectrum throughout the country. From my perspective, the Minnesota political spectrum covers approximately the central quarter of what can be found throughout the United States. Collectively, we are neither conservative nor liberal. We are however, seemingly more aware of when we are about to inappropriately foist our beliefs on others and infringe upon their constitutional rights.

My third observation is how incredibly fortunate the people of this state are to have what clearly is one of the most accomplished and competent affiliates of the ACLU in the country. I don’t say this out of hubris as my role is infinitesimally small, rather my basis for the comment is the history of this affiliate and the successes of the past few months. You will read about many of the recent successes in this newsletter as I did by e-mail from the road. What you won’t read about are the many hours, coordination of efforts sustained over years, professionalism of the staff and incredible generosity of some very committed donors. You, each and every Minnesotan, are the beneficiary of their efforts and donations.

My last observation is that I have not fully appreciated, even as the President of this organization, how fortunate I am to have the ACLU-MN looking out for my basic rights. I also do not say thank you enough. I am taking this opportunity to publicly say a big thank you to the staff and board members for their commitment and diligence to the protection of my rights. Thank you, thank you, thank you. ■



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A Big Pride Parade

For decades, Minneapolis has had a pride parade and a pride festival. Many in the larger community either have forgotten or never knew that this celebration is a celebration of the Stonewall riots in New York. They were a series of spontaneous, violent demonstrations by members of the gay community against a police raid that took place in the early morning hours of June 28, 1969, at the Stonewall Inn in the Greenwich Village neighborhood of New York City. Cities all over the United States began to hold parades the next year to celebrate the fight against official discrimination against the LGBT community.

The ACLU-MN was involved in the LGBT movement from the very beginning. Most notably, in 1971 the MCLU (now the ACLU-MN) filed suit on behalf of two men who were refused a marriage license. The Minnesota Supreme Court rejected the MCLU's arguments. This was one of the first gay marriage cases in the U.S. In 1980 the ACLU-MN sued on behalf of the Pride committee to obtain the necessary permits from the City of Minneapolis.

In the following years the ACLU-MN filed more than a dozen lawsuits, joined almost half a dozen more as amicus, and supported dozens of pieces of legislation.

Along with our allies, the ACLU-MN sued and won against the State of Minnesota and the state sodomy law was overturned several years before the U.S. Supreme Court declared the Federal Sodomy Law unconstitutional.

Finally we were pleased and excited to be a part of Minnesotans United For All Families and worked with the entire coalition in the effort that eventually made marriage for everyone legal in Minnesota.

Our journey together started forty-three years ago and while the work is not yet finished we have come a long way in one of the three great civil rights/civil liberties fights of our lifetime. Take a moment to breathe deeply and enjoy the progress we've made. Then let us move forward toward a time when everyone is treated equally. ■



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Defending Free Speech in Minneapolis

This May, the ACLU-MN sued the City of Minneapolis over the Clean Zone Resolution, an ordinance which would give Major League Baseball authority to determine what events would occur downtown in a fifteen day period surrounding the July 15 All Star Game. In addition to applying for permits from the city, vendors would also have to seek the approval of MLB in order to operate downtown and in certain parts of the University of Minnesota's campus between July 5 to July 20. Activities that would be limited by this ordinance include events like block events, parades, temporary food or beverage service, signs, and public performances of song.

The ACLU-MN acted on behalf of two members of the One Day in July Street Festival Committee who were planning to publicly commemorate the eightieth anniversary of the 1934 Teamsters strike. The event would be held on July 19 in the North Loop area of Minneapolis, where much of the four month long strike occurred, and honor the strikers, including the sixty-seven strikers shot and the two strikers killed by the Minneapolis police on July 20, 1934. With the initial Clean Zone Resolution, the Festival Committee would have to seek permission not only from the city but from MLB for the one-day festival, which has been held every five years since 2004.

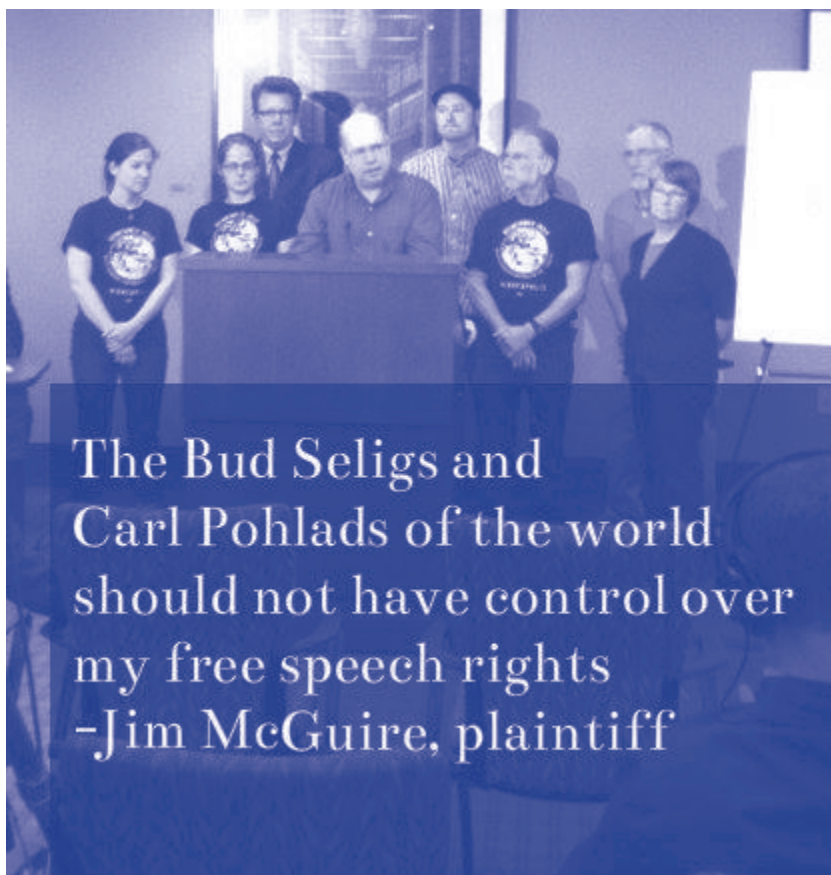
The original ordinance is a clear violation of vendors' First Amendment rights. Vendors should not have to seek the approval of a private company to exercise their First Amendment rights, and private businesses should not have the power to determine what events can be held in a public setting.

After the ACLU-MN filed the lawsuit, the City made substantial alterations to the Clean Zone Resolution to respect the First Amendment rights of those who seek permits from the city for events during the days surrounding the All Star Game. The City will confer with Major League Baseball before issuing permits for events held in the area surrounding Target Field, where

the game is being held, between July 10 to July 16 but vendors will not have to seek a license from MLB itself. The City agreed not to expand the Resolution and has granted permits to the One Day In July Street Festival. The ACLU-MN has voluntarily dropped the lawsuit as a result of the changes to the ordinance, but will be prepared to reinstitute the lawsuit if future violations of Minneapolis

residents' constitutional rights occur as a result of the ordinance. The City's changes to the Resolution in the face of public criticism represent a victory in the continued fight to protect our Constitutional Rights, and the ACLU-MN hopes that the City will be more aware of their responsibility to uphold the Constitution in their future resolutions. ■

For a complete list of cases please visit our website at: <http://www.aclu-mn.org/legal/casedocket/>



Immigration Detainers

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If the county chooses to honor the request, they will detain the individual, sometimes for up to six days beyond when they should have been released.

In our letter, the ACLU-MN highlights that an ICE detainer is not a warrant; it is not approved by a judge. It does not mean that there has been a finding about the person's immigration status; in fact many ICE detainers have been issued against U.S. citizens. It does not even mean that ICE has probable cause to believe the person is deportable. The letter goes on to say that "Minnesota sheriffs have no authority under Minnesota law to hold someone on an immigration detainer." Minnesota law does not provide sheriffs any authority to deprive persons of liberty because the federal government suspects they may be subject to civil immigration enforcement proceedings.

The ACLU-MN is incredibly pleased that Hennepin and Ramsey County led the way by ending compliance with the detainer requests, and hope that other counties follow suit. ■

Supreme Court

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Can you imagine if you needed a hysterectomy, because of ovarian cancer, but your doctor wasn't allowed to even educate you about that option because your boss didn't allow them to? Hopefully it won't come to that, but this case opened the door to that possibility.

These cases are all sitting at the Court of Appeals and we don't know what will happen with them. The court will have to look at every type of birth control these companies don't want to cover and decide if it places too much of a burden on the owner's religious beliefs. Going forward, these cases will now be examined using the *Burwell v. Hobby Lobby* ruling as a guide post. The US Supreme Court provided example remedies including having the government cover these options or having health insurance companies absorb the costs, so the lower courts could use one of these options instead of completely siding with the private companies.

Regardless of what happens the ACLU-MN will keep fighting to protect your full access to reproductive health care. We filed a brief in the lead case objecting to contraception coverage out of Minnesota and will continue to advocate legally as the case proceeds. ■

Bringing Freedom to All 50 states

A profile of donors Mark Hiemenz & Charlie Rounds

Before Charlie Rounds and Mark Hiemenz met they were both dedicated supporters of the



ACLU. Their passion for human rights brought them together in 1998. Their passion for protecting our constitutional rights has kept them connected with the ACLU to this day.

They have supported the ACLU in many ways over the years. Charlie served on the Board of the ACLU in the mid 1990s. Mark gave through a giving campaign through his work. They both are involved with the Kevin Mossier Foundation which has funded the ACLU's LGBT rights project in New York. Mark and Charlie were recently honored with an philanthropy award from PFUND that recognizes their years of giving to advance LGBT issues.

When asked why they support the ACLU they talk about how the ACLU was out for gay rights before mainstream gay groups existed. Furthermore, the ACLU fights for not just LGBT rights, but for all constitutional rights.

Mark and Charlie give and talk about giving because "those who forget the past are doomed to repeat it." We cannot take choice or LGBT rights or civil rights for granted – the continued attacks on all these issues means we have to be ever vigilant. Charlie and Mark want to make sure they will pass down the history of the LGBT movement to the LGBT community.

When asked what big issue in the LGBT community the ACLU should be working on next, they turned the question around, "what should the LGBT Community be doing for the ACLU?" The more rights you have the more responsibilities you have – now we need to make sure everyone has access to the same rights we do. We can't say we got ours so now we can go home – we need to keep up the fight in all fifty states. ■

Short Session, Big Results: Victories at the Capitol in 2014

2014 was a strong year for civil liberties at the Minnesota Capitol. Here are a few highlights from the Legislative session:

Location Privacy: A bill requiring law enforcement to obtain a warrant before tracking the location of a person's cell phone passed the House 130-0, the Senate 63-1, and was signed into law by Governor Dayton on May 20.

This law requires a government entity to obtain a tracking warrant based on probable cause before obtaining the current or historical location information of a cell phone or other electronic device. To obtain a warrant, the government must show probable cause that the person who possesses an electronic device is committing, has committed, or is about to commit a crime. The bill also provides transparency and oversight regarding government access to location information by instituting reporting requirements and requiring that notice be given to the owner or user of the tracked device.

This bill is an important update to Minnesota privacy law and provides a needed protection against unregulated government access to a person's cell phone location information.

Civil Asset Forfeiture: A civil asset forfeiture reform bill was signed into law by Governor Dayton after receiving strong bipartisan support in the Minnesota Legislature. This law is a big step forward in reforming Minnesota's civil asset forfeiture laws. For years, the ACLU-MN argued that the forfeiture process in drug-related cases was contrary to the presumption of innocence and turned due process on its head.

The new law requires a conviction, or its equivalent, in criminal court before property can be forfeited in a judicial proceeding in civil court. This means that, now, no one acquitted of a crime will lose their property through civil forfeiture. The law also switches the burden of proof in judicial forfeiture cases. Under the new law, the government must prove that the property



Benjamin Feist, Legislative Director

(typically cash and/or a vehicle) was an instrument or proceed of the drug crime.

The final bill was the result of the hard work of our coalition, which included the Institute for Justice, the Minnesota Criminal Defense Lawyers Association, and the Second Chance Coalition. While the new conviction requirement is an important reform, we plan to continue our work on civil asset forfeiture in the 2015 session.

Other wins for civil liberties include:

- **Online Voter Registration**, which authorizes Minnesota's online voter registration system. The ACLU-MN actively supported online voter registration because it makes voting and registering to vote more accessible.
- **Expungement Reform**, which provides a number of important reforms to Minnesota's expungement laws. This bill helps to allow those who have an arrest or criminal record to have their records sealed so they can more easily secure housing and employment.
- **Safe and Supportive Schools Act**, which establishes a statewide policy to combat school bullying. The ACLU-MN lobbied to ensure that First Amendment protections were adopted. With these protections in place, the ACLU-MN supported the final version of the bill as all students have a right to attend schools free of harassment and discrimination.
- **Limitations on Restraint of Pregnant Inmates**, which ensures pregnant women in Minnesota's correctional facilities are treated humanely.

Other ACLU-MN priorities, including Drone Privacy, Automatic License Plate Reader Regulation and Voting Rights Restoration, gained momentum but did not become law this session. We will continue to advocate for these and other civil liberties issues in the 2015 Legislative session.

Thank you for all of your help in contacting your legislators to make your voice heard on these important reforms!

Pride Parade 2014



Contributed by Annie Sinner, Public Education Intern

At the 2014 Ashley Rukes GLBT Pride Parade on Sunday June 29th, ACLU-MN marched through downtown Minneapolis with over 60 energetic volunteers as parade-goers cheered from the sidewalks. Led by an All-American decorated truck and joined by the Statue of Liberty, ACLU-MN stood out as a true defender of freedom and justice for all (even in the sweltering heat)! The red, silver, and blue necklaces were a huge hit and many people left the parade looking more patriotic than upon their arrival. The event truly felt like a celebration and an opportunity to connect across a broad range of experiences, if only for a day.

It was a genuinely heartwarming experience for me as an ACLU intern. Getting the chance to interact with those who are so appreciative of the organization's work made me further realize how significant even the smallest demonstrations of support can be, for instance marching in a parade, especially for communities that have historically faced discrimination. Furthermore, the wide span of ages and backgrounds represented by the marchers and audience illustrated how much the movement has grown, especially since critics often wrongfully treat these interests as young, rich, liberal, and white. Overall, Pride 2014 left all of the marchers and supporters feeling empowered, excited, and proud of all the ground breaking, positive changes that have taken place in the area of LGBTQ equality during the past year.

Volunteer at the State Fair

The ACLU-MN is currently looking for volunteers to work at the ACLU booth during the Minnesota State Fair which runs from August 21—September 1, at the State Fairgrounds in St. Paul.

Interested volunteers will be asked to attend a short training and 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 some ACLU swag.

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