

LOOKING TO THE STATES FOR JUSTICE
Supreme Court shift puts civil liberties at risk

We the People



Holding The Line Is Not Enough

After last year's U.S. Supreme Court rulings that ended the federal right to abortion, eroded the wall separating church and state, and more, we prepared for the worst. The court had ruled for the National ACLU's side in just 5 of the 18 cases where we filed briefs. There was no reason to expect this session to go any better for civil liberties.



When this session ended on June 30, there were serious setbacks that continued to roll back hard-fought civil rights and liberties. During the last two days alone, the Supreme Court ended affirmative action in college admissions and gave certain businesses the right to discriminate against LGBTQ+ people and other historically marginalized groups.

While the national ACLU was on the winning side in 11 of 18 cases we filed briefs on, most of these just preserved the status quo, holding the line against a sustained attack on our civil liberties.

We must do more than hold the line.

At the ACLU of Minnesota, while a crucial part of our job is protecting civil liberties for all, we want to expand the rights of all Minnesotans too. That's an essential part of our mission. That's why in addition to filing lawsuits in federal court, we increasingly have turned to the state courts and state Legislature.

As you page through this newsletter, you'll learn about some of our legislative victories this year, including protecting abortion rights and access, gaining Driver's Licenses for All, restoring voting rights, and legalizing marijuana for adult use.

You'll learn about a court settlement that takes former MPD union chief Bob Kroll off the police beat for years, and our continuing push to stop police violence against people of color, protesters and journalists.

Thanks to your support, the ACLU-MN is getting results. We will keep fighting at every level, from the federal government on down to school libraries, to make sure the rights of all Minnesotans are protected.

Thank you for sticking with us.

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Deepinder Singh Mayell

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Latest U.S. Supreme Court Rulings A Mixed Bag for Civil Liberties

SETBACKS



Court Ends Affirmative Action In Colleges

The Supreme Court gutted affirmative action in universities. The court ruled that considering race as a factor in student

admissions is unconstitutional. This decision restricts schools' ability to address systemic racial inequalities that persist in higher education. It limits their academic freedom to select a student body across all races and ethnicities. The ACLU filed an amicus brief, which offers insight to the court from a group not directly involved in a case, against ending these policies. The ruling allows race to be considered only if a student can link it to a quality that makes them a good applicant.

“With let-them-eat-cake obliviousness, today, the majority pulls the ripcord and announces ‘colorblindness for all’ by legal fiat,” Justice Ketanji Brown Jackson wrote in a dissent. “But deeming race irrelevant in law does not make it so in life.”

Court OKs Discrimination Targeted at LGBTQ+ People by Certain Businesses

303 Creative v. Elenis: A business that's open to the public is supposed to serve everyone, regardless of who they love or what they look like. The Supreme Court just ruled for the first time that businesses that sell customized, expressive services have a constitutional right to discriminate. The ruling essentially gives this vaguely defined group of businesspeople the right to turn away LGBTQ+ people and other historically marginalized groups if they can claim that serving them amounts to “compelled speech.” The ruling is part of a troubling national trend of attacks against LGBTQ+ rights. The ACLU filed an amicus brief against allowing this discrimination and we will be closely monitoring to ensure that this does not become a broad license to discriminate.

SELECTED WINS

Voting Rights Upheld

Allen v. Milligan: In a case filed by the ACLU and allies, the court ruled in favor of Black voters who challenged Alabama's gerrymandered congressional map. The map would have diluted Black voting power. The court also affirmed that under the Voting Rights Act, the redistricting process can consider race to provide equal opportunities to communities of color.

Moore v. Harper: The Supreme Court ruled that the Constitution does not allow state legislatures to ignore their own state constitutions when making rules for federal elections. Opponents had tried to argue that only state legislatures can set these rules, and that state courts and other branches of government can't interfere. That would have gutted the system of checks and balances that protect voting rights. The ACLU filed an amicus brief.

Indigenous Rights Upheld

Brackeen v. Haaland: In this victory for tribal sovereignty, the court rejected constitutional challenges to the Indian Child Welfare Act (ICWA).

The law seeks to ensure that Native families stay together and that Native children are raised by tribal members. It was designed to stop abusive government policies that historically tore families apart. The ACLU and several affiliates filed an amicus brief in support.



Hennepin County Unconstitutionally Took Property

Tyler v. Hennepin County: When Geraldine Tyler couldn't pay her \$15,000 bill for property taxes and penalties, Hennepin County seized the 94-year-old woman's condo, sold it at auction for \$40,000, and pocketed the entire amount. The county made a \$25,000 profit at Tyler's expense. The court ruled that was an unconstitutional taking.

“The taxpayer must render unto Caesar what is Caesar's, but no more,” the court wrote. The ACLU and ACLU-MN were part of an amicus brief.

Celebrating Legislative Wins

The state of Minnesota and the ACLU-MN have many reasons to celebrate the 2023 legislative session. We made huge strides in protecting the rights of all Minnesotans.

✓ WHAT'S BEEN PASSED

REPRODUCTIVE FREEDOM

The PRO Act writes reproductive health care rights into state law, ensuring that the deeply personal decision about whether to become and stay pregnant belongs to the individual, not the government. The Legislature also repealed unconstitutional and unnecessary restrictions. Laws including the 24-hour waiting period for an abortion and the requirement that doctors deliver false and misleading information about abortion care were taken off the books so they couldn't be relied upon by an extremist judge or politician in the future.

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CANNABIS

By legalizing adult-use of cannabis, we are one step closer to ending the disproportionate arrests and prosecution of communities of color. Black people in Minnesota were 5.4 times more likely to be arrested for possession than white people, even though marijuana use is similar.

The new law includes expungement of minor marijuana possession convictions. Expungement means that past possession of marijuana can no longer hurt people seeking employment, housing, child custody, financial aid or a change in immigration status.

GROSS MISDEMEANOR SENTENCING REFORM

Previously, a mismatch between state law and federal immigration law had tragic consequences, including detention and deportation. By reducing the maximum sentence for a gross misdemeanor by just one day down to 364 days, lawmakers prevented disproportionately severe and unintended consequences.

This lack of accountability perpetuates misconduct and harm, creating an environment where police may feel empowered to violate people's rights because they face few consequences. The ACLU-MN will keep pushing for accountability through the state courts so we can hold government officials such as police accountable if and when they violate Minnesotans' rights.



ACLU-MN legislative team celebrating the end of session

VOTING RIGHTS

Nearly 50,000 Minnesotans are now able to exercise their constitutional right and cast a ballot. The state had barred people on felony probation from voting, including people who had never been in prison.

By ensuring every free Minnesotan has the chance to have their voice heard and their vote considered, we bring ourselves closer to the ideal of a state of, by, and for the people. As Minnesotans, we believe in the power of rehabilitation and redemption.

⚙️ WHAT'S YET TO BE PASSED...

ALLOWING STATE CIVIL RIGHTS CLAIMS (QUALIFIED IMMUNITY)

Qualified immunity is a federal court doctrine that operates as a shield against holding government officials — including police — accountable for violating a person's rights.



Cannabis Finally Legalized In Minnesota

Michael Ford doesn't remember when he began selling marijuana. When he was a child, his grandmother grew cannabis in the back shed, which he referred to as her "flowers."

He said he was forced to learn how to survive on his own from a young age, bouncing from group homes to foster homes.

"The problem started with the hard drugs and alcohol abuse in my family," said Ford. "It completely destroyed my parents, aunts, and uncles."

He ended up entering the criminal justice system when he was 13.

"I continued to make mistake after mistake and spent almost all of my youth in jail, boys homes, and private schools for troubled youth. Unfortunately, this followed me deep into my adult life," Ford said.

In 2011, Ford decided to make a change. He successfully completed parole and began fighting for the legalization of recreational marijuana. One of the catalysts for his advocacy was the legalization of medical cannabis. Ford was diagnosed with PTSD, OCD and other mental health issues, and the prescribed medications had terrible side effects. Using cannabis would have violated his parole, yet it was the one thing that could potentially help without side effects.

The 2014 legalization of medical cannabis was a step in the right direction, he said, but felt that Minnesota could do more. Ford quickly became chairman of Legal Marijuana Now and then director of Minnesota NORML.

The ACLU-MN and other allies, including his group, worked hard for years to pass recreational marijuana for adults.

We rallied, gave speeches, called lawmakers, and testified numerous times.



ACLU-MN Executive Director Deepinder Mayell speaks at Lobby Day

Our state has deep racial disparities in marijuana enforcement: An ACLU report found that Black people are 5.4 times more likely to be arrested for marijuana possession than white people in Minnesota, even worse than the national average.

The ACLU of Minnesota hopes the law is a step toward ending this disparity. But there's more work to be done. There's uncertainty in the new cannabis law about where smoking it will be prohibited.

"It's my hope to create something to help those who have been impacted get expungement for those that qualify and help them to navigate the rules and regulations of participating in a legal marijuana U.S. market," Ford said.



ACLU-MN Settlement Takes Bob Kroll Off the Beat

Because of a case brought by the ACLU-MN, former Minneapolis Police Department union head Bob Kroll is barred from policing in three counties for the next decade.

“While a Minneapolis police officer, Kroll allegedly engaged in violent and abusive conduct that resulted in him being named in numerous excessive force lawsuits,” said plaintiff Nekima Levy Armstrong. “His presence and his public statements after police killings contributed to a hostile atmosphere for communities of color and those protesting police violence.”

The settlement was part of a larger lawsuit against the city of Minneapolis, Kroll and others, following police attacks on people protesting George Floyd’s murder. Under the settlement, for the next decade, Kroll cannot serve as a police officer or leader in Hennepin, Ramsey and Anoka Counties. He also can’t serve on the Minnesota Board of Peace Officer Standards and Training.

“This settlement achieves a much-needed goal: It takes Bob Kroll, a police leader and union head with a long history of racist and inflammatory statements, off the beat and out of police leadership in the Twin Cities metro for a decade,” said ACLU-MN Legal Director Teresa Nelson. “We hope this settlement sends the message to other police that mistreatment of people trying to assert their First Amendment rights will not be tolerated.”

DOJ: MPD Targets People of Color



The U.S. Department of Justice formally confirmed what we have known for years: Minneapolis Police Department members discriminate against and target people they are sworn to protect.

The two-year investigation – which began the day after Derek Chauvin was found guilty of murdering George Floyd – found four main points:

- MPD unlawfully discriminates against Black and Indigenous people, including disproportionately stopping and using force against them.
- MPD uses unjustified excessive force, including deadly force, even when there is no immediate threat or reasonable suspicion.
- MPD unlawfully discriminates against people with behavioral health disabilities, violating the Americans with Disabilities Act.
- MPD retaliated against protesters and journalists during the demonstrations over George Floyd’s murder. DOJ also found MPD retaliates against people who challenge unlawful police stops and who record police doing their jobs.

The city, MPD, and DOJ have agreed to negotiate a consent decree, a legally binding agreement that will be enforced by a federal court.

“The findings of the DOJ’s investigation into the Minneapolis Police Department are troubling, and sadly not surprising,” said ACLU-MN Executive Director Deepinder Mayell.

“We hope the coming consent decree finally helps create a community where all people are safe, and police follow the law,” Mayell said.

This is not the first damning investigation into the MPD. As of March 31, the MPD is under a court-enforceable agreement with the Minnesota Department of Human Rights (MDHR). The MDHR investigation made similar findings.

The ACLU-MN is pushing for the city to agree to all of DOJ’s recommendations in the coming consent decree, including policies that limit use of force, identify and reduce disparities, increase transparency and accountability, respect the First Amendment, strengthen civilian oversight, and expand the use of behavioral health experts.

Why I Give



Elsa and her classmates donate to the ACLU of Minnesota

Elsa Brandvold and her classmates at Perham High School in west central Minnesota found the ACLU-MN through a homework assignment.

Their English teacher assigned a final project of identifying a problem in the community and creating a solution. The group decided on discrimination and equal rights.

“LGBTQ+ rights are very important to me as well as women’s reproductive rights,” Brandvold said.

“I believe everyone has the right to control their body and to have the ability to love whomever they love.”

They decided to focus on the ACLU-MN.

In Memoriam



Remembering Thomas Kayser

Thomas Kayser died on November 15. The former board member won the prestigious ACLU-MN Earl Larson Award, which honors a member of the legal community who has demonstrated a lifelong commitment to justice and civil liberties.

As the managing partner at Robins, Davis & Lyons for more than 50 years, Kayser was instrumental in two ACLU-MN appeals court wins that protected the rights of LGBTQ+ students.

ACLU-MN Legal Director Teresa Nelson said: “Tom was a tireless advocate for civil liberties. His tenacious work with the ACLU-MN on *Straights and Gays for Equality v. Osseo Area Schools* resulted in a significant 8th Circuit decision that cemented the rights of public school

students to form gay-straight alliance student groups that are entitled to equal treatment with all other non-curricular student groups.”

“I felt like it was exactly what I was looking for,” said team member Kareem Muhaisen. “The ACLU-MN seemed quite perfect, and I was very excited to fundraise and support it.”

The group of four sophomores – Brandvold, Muhaisen, Will Baker, and Aaron Ziemann – came up with a creative way to raise money: “We hosted a teacher karaoke day during lunch,” said Brandvold. Students voted for which songs they wanted teachers to sing by donating money to a song. The songs that raised the most money were performed by teachers. One of Brandvold’s favorite performances was given by band teacher Matt Lamb, who sang Celion Dion’s classic “My Heart Will Go On.”

“The ACLU-MN has been doing great things for so long, and I’m so incredibly grateful that I could support them and all they are doing,” said Brandvold.

“It’s quite encouraging to know that there are organizations out there that work for human rights and building a better world.”

“The ACLU-MN has been doing great things for so long, and I’m so incredibly grateful that I could support them and all they are doing,” said Brandvold.

Remembering Jim Manahan

Jim Manahan died on April 18. He served on the ACLU-MN board from 1999-2005, as board president for two years, as our national delegate, and a pro bono attorney. Minnesota Lawyer named Manahan one of the “Top 10 Minnesota Attorneys of 2001.”

“Jim was a dedicated civil libertarian and he was always willing to share his expertise and time with the ACLU-MN,” said Nelson, adding that he was pro bono co-counsel on one of her first cases. “I learned so much from him.”

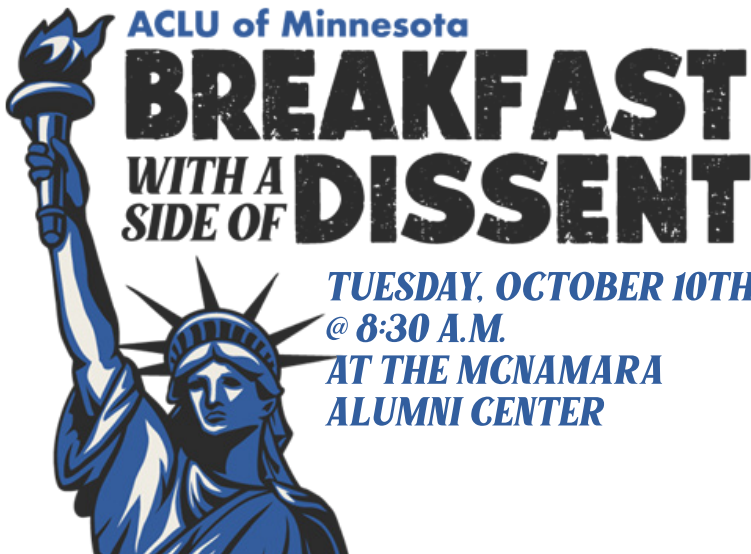


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Restoring the vote, protecting immigrant rights, and defending abortion rights are just a few examples of the crucial work the ACLU of Minnesota does every day. Please help keep us strong in the fight for civil liberties. <https://action.aclu.org/give/support-aclu-minnesota>



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