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GREATER MINNESOTA RACIAL JUSTICE PROJECT

ACLU CHALLENGES FARIBAULT'S CRIME-FREE HOUSING ORDINANCE, ONE OF THE WORST IN THE COUNTRY

When Thelma moved to Faribault over 10 years ago, she thought the city seemed like a safe and peaceful place to raise a family. She moved into a house big enough for her three teenage kids and grandchildren.

Thelma, who is Black, had the police repeatedly called on her by her white neighbors—once

because her kids were jumping on a trampoline, and another time because a group of Black teenagers were standing in her yard.

After repeated racial profiling and harassment by her neighbors, Thelma's family was evicted from their home.

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ACLU-MN STAFF

Ian Bratlie, *GMRJP Staff Attorney*

Elizer Darris, *Organizer*

Karla Esqueda, *GMRJP Organizer*

Benjamin Feist, *Legislative Director*

John Gordon, *Executive Director*

Sarah Heil, *Director of Finance & Administration*

Kate Ingersoll, *Operations Administrator*

Aliya Khan, *Communications Associate*

Jana Kooren, *Public Education & Communications Director*

David McKinney, *Staff Attorney*

Molly Miller Mons, *Manager of Philanthropic Relations*

Teresa Nelson, *Legal Director*

Carol Stoddart, *Director of Philanthropy*

Julio Zelaya, *GMRJP Coordinator*

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TOGETHER, JUSTICE WILL PREVAIL



John Gordon
Executive Director



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Because this is the newsletter of the ACLU of Minnesota, we usually focus on what we are doing in Minnesota. But I urge you also to consider how your support for the ACLU-MN fits into what the ACLU is accomplishing nationwide. This is a good time to do that because 2,500 or so ACLU members and supporters—including about 70 from Minnesota—recently attended the first national membership conference that the ACLU has held in at least six years.

In a time when it can be terrifying even to read the headlines or listen to the news, it's important to remember that we are not in this alone. The power of people banding together to preserve our democratic institutions and standing together in solidarity with those whom politicians demonize and brutalize can be breathtaking. That's especially true when the group includes the hundreds of thoughtful, passionate, and empathetic young people who took five days out of their summer to show up, speak out, and dig into the ACLU's many issues.

We are working hard here in Minnesota to fight over-incarceration, raise the profile of county attorney elections, reduce police violence and increase police accountability, help immigrants get respect and fair treatment, and combat assaults on privacy and autonomy. It's reassuring and invigorating to know that our allies in all 50 states are fighting these same fights and battling the same threats to our freedom.

Not every member of the ACLU community sees every issue in the same way. Different folks have different priorities and tactics. But coming together and getting to know people from all over is a strong tonic to overcome the cynicism and pessimism that the enemies of civil liberties peddle.

Our friends and allies may be fighting for human dignity and fairness and the rule of law in different ways and with different tools. But we will do better if we focus on the similarities and strengths that each of us brings to the effort. If we are gentle with each other—and if we remember to love each other—we will prevail.

SEXTING CHARGES AGAINST JANE DOE DISMISSED

Jane Doe, a 14-year-old living in Rice County, sent a sexually explicit Snapchat to a boy in her class. He took a screenshot and sent it to other people without her consent. The Rice County prosecutor charged Jane with distribution of child pornography, and if found guilty she could have faced up to 10 years on the sex offender registry. The ACLU of Minnesota filed a brief in Jane's case, arguing that the prosecutor was abusing the intent of the law. On February 20, 2018, Judge John Cajacob dismissed the charges against Jane Doe.



“I was so hurt to think that I was the ‘victim’ of this case and now was being charged with something so big and unreasonable.”

In Jane's own words: *“Obviously, as everyone at my school had the video, I felt as if everything was my fault. I suddenly never wanted to leave my bed, as if there was an enormous weight on my chest. I felt like I couldn't show my face at school because everyone had seen it, and I felt like I was just like [the slurs] everyone said I was.*

When I went to the police about it, which I didn't want to do but I knew something was wrong, she had said the words to me: “You will not be charged since it was a video of you. You will be ok.” Suddenly, over summer break my mom was spending time with me, taking off work for a week to spend time with me and do whatever I wanted.

This is when I knew something was up, but I never

ever imagined this is what it would come to.

One day I was sitting on the couch and John Hammer (the defending Attorney) walked in and told me what was happening. At the least, I would say I was shocked. I was so hurt to think that I was the ‘victim’ of this case and now was being charged with something so big and unreasonable. This charge would ruin my future. Once I was cleared from this case, I was so relieved. I definitely didn't think I deserved the punishment of what I did, especially from the law they were trying to accuse me of.”

Learn more about Jane's case at bit.ly/janedoe_mn.

NEWS UPDATES

WHAT YOU NEED TO KNOW

Just because it doesn't get a headline doesn't mean it's not important.

OTTO V. WRIGHT COUNTY // Last fall, the ACLU of Minnesota filed a brief in the Minnesota Supreme Court on behalf of itself and 17 other organizations and individuals in *Rebecca Otto v. Wright County*. On April 18, the Minnesota Supreme Court ruled that the Legislature did not violate the single-subject clause when it stuck into an omnibus bill a provision stripping the State Auditor's office of substantial duties and funding. Read more at <http://bit.ly/otto-press-release>.

MINNEAPOLIS POLICE DEPARTMENT ANNOUNCES CHANGES TO BODY CAMERA, ARREST POLICIES // The Minneapolis Police Department updated its policies on body cameras in April, including some rollbacks to changes made last summer. The new policy requires officers to activate their body cameras two blocks away rather than at dispatch, and, in some instances, has lessened the minimum discipline for noncompliance. MPD did announce plans to halt arrests for low-level marijuana sales in June after a report released by the Hennepin County Public Defender's office revealed racial disparities in arrests.

THIRD FEDERAL JUDGE RULES AGAINST TRUMP ADMINISTRATION'S RESCINDING OF DACA // A federal judge in Washington, D.C., has ruled that the rescinding of the Deferred Action for Childhood Arrivals (DACA) program was unlawful, stating the Trump administration provided insufficient reasoning for ending the program. The government has 90 days to respond before it must process new applications and renewals.

visit aclu-mn.org for more information

ACLU OF MINNESOTA TRAVELS TO THE ACLU MEMBERSHIP CONFERENCE IN WASHINGTON, D.C.



On Saturday, June 9, over 40 young Minnesotans boarded a bus to travel nearly 20 hours to the ACLU membership conference in Washington, D.C. They attended workshops and trainings on advocacy, activism, and social justice. They brought that knowledge back with them to Minnesota to help us organize and advocate for criminal justice reform, immigrant rights, and other key ACLU-MN issues.

IMMIGRANT RIGHTS

4 ACLU FIGHTS FOR IMMIGRANT FAMILIES AT THE BORDER



Earlier this year, National ACLU filed a federal lawsuit to stop family separation and to require the immediate reunion of all separated children and parents. On June 29, a federal judge issued a national injunction in our class-action lawsuit, requiring the reunification of thousands.

People across the country were horrified to read about young children crying as they were ripped from their parents arms. The outrage continues, as the Trump administration threatens to indefinitely keep immigrant families in inhumane camps and lags in reuniting families as mandated in the court order.

The ACLU of Minnesota hosted a poster-making and letter-writing night before the Free Our Future march and rally on Saturday, June 30. It was beautiful to see all the families and members of the community come together to advocate and fight against these inhumane practices.

Learn about more ways to stay involved at bit.ly/fbt_getinvolved.

HAPPY RETIREMENT, CAROL!



Carol Stoddart has dedicated the last six years of her career to the ACLU of Minnesota, serving as our Director of Philanthropy. Carol has 20 years of experience raising funds for cultural, social service, and international relief organizations. Prior to the ACLU, Carol worked as Director of Individual Philanthropy at Second Harvest Heartland and as Director of Development at the Minneapolis Crisis Nursery. She has demonstrated her commitment to civil liberties as an ACLU member since the 1980s.



“Since the ACLU has been important enough to me to be a member pretty consistently since my late 20s, to be able to end my professional career working for the organization has been a gift. Working around smart and committed co-workers, board members, volunteers and supporters has made the gift even more meaningful. Everyone has contributed to the increased awareness we have in the community and the growing financial support available for us to work on our mission. I’m looking forward to seeing this growth continue.”

WELCOME ACLU NEW STAFF

We have a busy year ahead of us. In order to continue to protect and advance civil liberties in our state, we have brought on new staff to help us make sure all Minnesotans can access their basic, fundamental rights.

Say hello to our growing staff!

Elizer Darris is an organizer based in the Twin Cities. After being sentenced to natural life in prison as a juvenile and violently struggling for years in adult facilities, Elizer fought to turn his life around. Self-education became his vehicle of self-discovery, and through it, his life was redeemed. He became a business owner, consultant, educator, IT specialist and motivational speaker.

Karla Esqueda is an organizer for ACLU-MN’s Greater Minnesota Racial Justice Project (GMRJP). As an organizer, Karla works to educate and engage Southern Minnesota communities with voter-outreach initiatives and tackle reducing disparate treatment of immigrants in those regions. Karla is passionate about working with underserved populations and using her key strengths in community education to positively affect change.

David McKinney is our newest staff attorney. In his role, David identifies potential civil liberties violations and works to protect and advance the same through litigation and non-litigation legal advocacy. In addition to his law degree, David has a master’s degree in religion and a bachelor’s degree in business ethics. Prior to joining the ACLU, David practiced complex civil litigation at two large law firms in the Twin Cities.

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CELEBRATING PRIDE UNDER THE TRUMP ADMINISTRATION

The National Coalition of Anti-Violence Programs (NCAVP) released a report citing 2017 as one of the deadliest years in recent history for LGBTQ people. The report found that 52 LGBTQ people were killed due to hate crimes, many of whom were transgender women and people of color. In 2016 that number was 28.

President Trump staffed his cabinet with anti-LGBTQ members and has repeatedly advanced policies and practices that have harmed LGBTQ communities, specifically transgender people. This undercurrent of hostility in the Trump administration has a sweeping impact on local politics, as well as social norms.

For example, 129 anti-LGBTQ bills were introduced across the country in 2017. In Minnesota, we saw several pieces of legislation that would violate the rights of LGBTQ communities, including an anti-transgender bathroom bill, two

discriminatory bills that would infringe on the rights of LGBTQ people under the guise of religious freedom, and an anti-transgender health care bill.

The 1969 Stonewall riots, fueled by the activism of sex workers, drag queens, and transgender activists of color (like Marsha P. Johnson and Sylvia Rivera), contributed to the movement for LGBTQ rights in the United States. Pride is a celebration of LGBTQ community, identity, and love. But it is also a celebration of intersectional activism, advocacy, and protest.

ACLU of Minnesota marched in solidarity with the LGBTQ community this past June. But we will also advocate throughout the rest of the year in the courts, legislature, and streets so that all members of the LGBTQ community can not only be proud, but also live, work, and love each other without fear of violence or discrimination.

6 ACLU-MN HISTORIC LGBTQ CASES



1971 – ACLU-MN filed suit on behalf of two men who were refused a marriage license. The Minnesota Supreme Court rejected the ACLU-MN’s arguments. This was one of the first gay marriage cases in the U.S.



1980 – ACLU-MN successfully challenged the City of Minneapolis’ refusal to grant the Gay Pride Committee a permit to hold a block party on Hennepin Avenue.

1972 – ACLU-MN successfully defended Jack Baker, a gay man who had attempted to marry his partner, when the Board of Law Examiners refused to allow him to take the bar exam.



FIVE YEARS AGO, LOVE WON

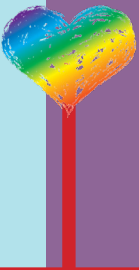
Public Education and Communications Director Jana Kooren takes a retrospective look at the fight for same-sex marriage.

The election of 2012 may not be as infamous as the election of 2016, but 2012 was an incredibly monumental year. In 2012, Minnesota rode a wave with other states that finally turned the tide on the fight for marriage equality. For years LGBTQ advocates from around the country had been pushing for marriage equality and failing consistently. Every time the issue went up for a vote, we lost—even in states like California that are more progressive. Each loss was heartbreaking, but people kept fighting. Between 1998 and 2008, 30 states passed constitutional amendments banning same-sex marriage. The only shining light during the early 2000s was a handful of favorable state Supreme Court decisions.


In 2011, when the Minnesota legislature put the anti-marriage amendment on the ballot, everyone immediately kicked into campaign mode. While the ACLU did not lead the marriage campaign, we fought for it every step of the way. At the start of the campaign, we were determined not to repeat the mistakes of the past. Prior campaigns led with the message of equal rights and why LGBTQ people deserved the same right to marriage as everyone else. That messaging, although true, wasn't resonating with people. Instead, we learned that the way to reach people was to talk from the heart. That meant LGBTQ folks being willing to share their story about why they wanted to get married, and straight allies like me talking about LGBTQ folks they loved and why marriage was important to their LGBTQ friends and family. By focusing on stories and appealing to the heart, we were able to turn the tide around the country.

After we successfully defeated the anti-marriage amendment, marriage equality became the law in Minnesota. In 2013, over 40 years after the ACLU-MN filed the first LGBTQ marriage case in the country, equality was finally achieved in Minnesota. There were group weddings at courthouses and love rang out in the streets.


The fight for equality is far from over, but it's also good to reflect on what we have accomplished and look for lessons learned. Today the fight continues, whether it's transgender people's access to health care or LGBTQ couples' right to a wedding cake. But one thing we will never forget is to lead from the heart.



1990 – ACLU-MN filed an amicus brief in support of a lesbian whose ex-husband sought custody of their children solely on the basis of her sexual orientation.



2001 – Minnesota District Court judge ruled in *Doe v. Ventura*, filed by the ACLU-MN, that prohibiting consensual anal and oral sex violates the Minnesota constitutional right to privacy.



1997 – The ACLU provided assistance to Northeast Minnesota Legal Aid in its administrative appeal on behalf of a woman denied social security after her husband died. The SSA argued that her marriage was invalid because she was assigned male at birth.

Learn more about these and other **LGBTQ cases by visiting aclu-mn.org/en/cases.**

WOMEN'S RIGHTS

THE BUZZ

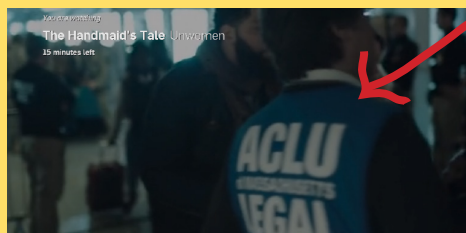
Staff recommendations and commentary on civil liberties issues in contemporary culture

On April 25, 2018, the second season of “The Handmaid’s Tale” premiered on Hulu. The series is based on the 1985 dystopian novel by Canadian author Margaret Atwood and was adapted for contemporary times. While I won’t give away too many spoilers, if you prefer to go into the show without any prior knowledge, I’d stop reading.

The Hulu series has drawn parallels from the current political climate, and is a cautionary tale about what happens when oppressive government strips away the rights of women, people of color, LGBTQ individuals, and other marginalized people in America. It is haunting how the imagined dystopian future of Gilead resonates with Americans in 2018. The show follows June, played by Elisabeth Moss, and Emily, played by Alexis Bledel.

In a flashback during the second episode of the second season, Emily, her wife, and child are attempting to fly into Canada. Emily is held back when she is told by an Immigration and Customs Enforcement (ICE) agent that her same-sex marriage certificate is no longer valid.

As people are crowding the airport in the beginning of the scene, an ACLU legal observer vest can be seen.



In 2017, when the Muslim ban was first announced by President Trump, ACLU legal observers and lawyers were in the airports. I imagine we’d do the same if “The Handmaid’s Tale” became reality. But I hope we can defend civil liberties enough so that we never have to find out.

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Aliya Khan, Communications Associate

IMMIGRANT RIGHTS

MYRIAM PARADA WAS A VICTIM IN AN AUTO ACCIDENT. POLICE ARRESTED AND DETAINED HER.



Myriam Parada was driving home from a birthday celebration in Coon Rapids. She was stopped at a red light when abruptly her car lurched forward. She had been rear-ended.

Myriam exchanged information with the woman who hit her car, including insurance information. But when Myriam admitted that she did not have a driver’s license, the other driver called the police.

When the officer arrived on the scene, he let the woman who hit Myriam leave without so much as a citation. Instead, he began to question Myriam. When she presented him with her information and photo ID, the officer said he had to take her into the police station to verify her identity. Not once did he ask for additional photo ID. The officer who arrested Parada did not arrest any of the other individuals he cited for driving without a license in the previous year.

Once at the police station, officers did not further attempt to verify Myriam’s identity. Instead, they made Myriam sit for hours without any explanation, then put her on the phone with ICE. After hours, they handed her a citation for driving without a license, then walked her to two ICE agents who were waiting at the jail. They didn’t let her call her family before escorting her to a van that would take her to the Sherburne County immigration detention facility.

“On the drive to the detention facility, I could see my house, the roads I take every morning to go to school. I began to cry, thinking that this could be the last time that I ever see my home,” Myriam reflected.

Eventually, ICE told Myriam’s family where she was and they paid for her release. She is currently in deportation proceedings. The ACLU of Minnesota filed a lawsuit against the Anoka County Sheriff’s Department and Coon Rapids Police Department for unlawfully arresting and jailing Myriam because of her race and national origin.

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FAIR HOUSING

...CONT'D FROM PAGE 1

Thelma and her family were evicted from their home because of Faribault's Rental Licensing Ordinance and its so-called Crime-Free Multi-Housing program.

The Faribault City Council passed a crime-free ordinance supposedly to give police more power over tenants in rental housing, and to control crime and "loitering." However, there had been no rise in crime. The ordinance was a direct attempt to control the racial and ethnic diversity that had increased in Faribault over the years.

In 2000, Black people made up less than 3 percent of Faribault's population. By 2016, Faribault was more than 9 percent Black. Faribault's growing Somali community has been the source of much of this shift. By 2016, there were 10 times more people of Somali ancestry in Faribault than there had been in 2000.

Thelma's family is only one of many who have been pushed out of their homes due to Faribault's "crime-free" housing ordinance. The ordinance allows police to order all members of a household to be evicted if any member engages in what the police consider criminal activity — even without an arrest or prosecution.

The ordinance also includes a limit on how many individuals can reside in an apartment, but not in private housing. The provision discriminates against Somali families, who often have large families. By limiting the number of individuals in a unit, landlords can virtually force out Somali communities. In fact, city officials bragged that the ordinance was helping "get rid of" residents who were "undesirable."

Another Faribault resident was forced out of her apartment a month after giving birth. With the newborn, her family was in violation of the ordinance's occupancy restrictions. Instead of recovering and bonding with her baby, she and her family were given an eviction notice and forced out of their home.

"It wasn't that long ago that large families were much more common," said Teresa Nelson, Legal Director of the ACLU of Minnesota. "It's clear that this ordinance was passed with the intent to drive out specific types of people."

The ACLU is filing a lawsuit challenging the City of Faribault for violating the Fair Housing Act, and the Equal Protection Clause of the Fourteenth Amendment.

“It's clear that this ordinance was passed with the intent to drive out specific types of people.”

POLICE PRACTICES | VICTORY!

POLICE DATA MUST BE EASILY ACCESSIBLE, SEARCHABLE

Public data is not really public if the government refuses to give it to you. Fortunately, the Minnesota Supreme Court agrees, even if Hennepin County does not.

In 2015, Tony Webster submitted a data request to Hennepin County about its use or planned use of mobile biometric technology, such as fingerprint or iris scanners. For three months, the county insisted that it was "processing the request," and refused to give Tony further information.

The county responded to part of Tony's request. His request for data, including e-mails that reference biometric data or mobile metric technology, was rejected. The county stated that the request was "too burdensome with which to reply."

Tony informed the county that he believed it had violated the Data Practices Act, but narrowed his search criteria for the data anyway. The county and the sheriff's office continued to go back and forth with Tony about the data request.

Tony eventually filed a lawsuit against Hennepin County to get the data, and an administrative law judge sided with him. Hennepin County appealed and the case went to the Minnesota Court of Appeals, then to the Minnesota Supreme Court.

The ACLU-MN, along with the Electronic Frontier Foundation, filed a brief in Tony's case. In April 2018, nearly three years after the original data request, the Minnesota Supreme Court agreed that Hennepin County's procedures fail to assure a prompt response to data requests.

Access to public documents is critical to ensure that our government remains open and accessible to all. This is a victory for government transparency.



CRIMINAL JUSTICE

WARRANT RESOLUTION GIVES MINNESOTANS A SECOND CHANCE

Kharisha knew she had an active warrant. She also knew that if she went to try to resolve it, she would be arrested and her young daughter would be left alone.

Raising a child when you have a warrant is stressful for parents like Kharisha. The fear of arrest looms over everyday tasks—like coordinating childcare and medical appointments.

Then Kharisha learned about Ramsey County’s Warrant Resolution Day.

Kharisha was one of 160 people in Ramsey County who was able to get her warrant cleared in May.

Many people receive warrants when they fail to appear in court, often for minor violations. After a warrant is issued for their arrest, they find themselves in a Catch-22 because if they try to go to court to resolve the underlying issue, they will be arrested.

Last year, the ACLU of Minnesota and the Minneapolis chapter of the NAACP joined with

Hennepin County to hold a warrant forgiveness event. It was an overwhelming success. So the ACLU-MN collaborated again with the NAACP to offer the event with Ramsey County.

“It was a genuine help. I feel satisfied and free.”

When Ramsey County held a similar event on their own in 2015 only 52 people showed up. Working with community partners, that number quadrupled. In addition to 160 warrants cleared, another 162 people met with hearing officers to begin the process of getting their licenses back. Overall, 800 cases were cleared.

Warrant resolution events like this help destigmatize warrants and connect communities with their county officials. Instead of a typical courtroom, the event was held at a local high school. There was food and a DJ playing music outside. Volunteers helped manage a kids’ playing area to make the event welcoming and accessible for parents.

“I was nervous. I thought that [the event] was trying to trap people,” Kharisha said. But once she was there, the judges and volunteers made her feel warmed and welcomed. “It was a genuine help,” she said. “I feel satisfied and free.”

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LEGISLATIVE SESSION

A DEFENSIVE SESSION COMES TO A CLOSE — QUICK RECAP OF THE 2018 LEGISLATIVE SESSION

Here at the ACLU of Minnesota, we knew going into the 2018 legislative session that it would be a defensive year.

While both political parties engaged in significant election-year posturing, only 114 bills actually made it to the governor's desk. Most of the policy provisions that moved forward were crammed into a nearly 1,000-page supplemental finance omnibus bill, which Governor Dayton vetoed in May.

Two anti-protest bills that the ACLU-MN testified against passed through the legislature. One of the proposed bills would have increased penalties for protesters who interfere with highways, airports, or transit. The anti-protest bill was a direct

response to Black Lives Matter protests against police violence.

More anti-protest legislation, the “guilty-by-association” bill, would have made protesters and their supporters civilly liable for damage to or trespasses on “critical infrastructure,” even if done by others.

Fortunately, Governor Dayton vetoed both of these bills.

The results of this session set the stage for a bitter and tense election season, including races for the open Governor's seat, three other constitutional officers, and the full Minnesota House of Representatives. The 2019 Legislative Session starts on January 8.

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YOU ADVOCATED. NOW FOLLOW-UP.

Thank Governor Dayton for standing up for the rights of Minnesotans and vetoing anti-protest and anti-reproductive rights legislation.

Call 651-201-3400 and let him know that when the legislature fails to protect the civil liberties of Minnesotans, we are glad that he steps up.

FREE SPEECH

JUST BECAUSE PROTEST IS INCONVENIENT DOESN'T MEAN IT IS UNCONSTITUTIONAL

The Twin Cities erupted in protests following the fatal shooting of Philando Castile by Officer Jeronimo Yanez during the summer of 2016.

Grieving the loss of a friend, family member, neighbor and community member—and frustrated that a police officer unjustly shot and killed another person of color—an estimated 1,500 people marched onto Interstate 94 in Saint Paul.

Police arrested over 100 people during the protest; 47 of them were arrested while on I-94. Jeffrey Berger was one of those people.

“People need to actively mobilize and put their bodies on the line,” Jeffrey explained. “Especially white people like myself. We live in a society that protects us in many ways. I think it's necessary for us to step forward and take action in order to make change.”

Jeffrey was the only one of the I-94 protesters arrested that night to face trial. He was ultimately convicted of a misdemeanor public nuisance charge and sentenced to spend 90 days in a correctional facility, which was stayed pending completion of one year of probation. The court sentenced him to a \$300 mandatory

minimum fine.

The ACLU of Minnesota is appealing Jeffrey's conviction, arguing that it violates his First Amendment rights and that the public nuisance statute is too vague. There is also insufficient evidence that Jeffrey did anything wrong in the first place.

“Protest is not always convenient, nor does the Constitution require it to be,” said ACLU-MN Legal Director Teresa Nelson. “The state does not have a compelling reason to criminalize all protests on public highways simply because they are on a highway.”

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Civil Liberties News
Newsletter of the American Civil Liberties Union of Minnesota

SAVE THE DATE
August 23 - September 3

MINNESOTA STATE FAIR

The ACLU of Minnesota will continue the long tradition of having a booth at the Minnesota State Fair in the Education Building. We'll be sending out more information closer to August about volunteering and visiting the booth. In the meantime, mark your calendars!

Visit aclu-mn.org to sign-up for our mailing list.

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