

**Minority Rights and Majority Rule: The Arguments and Policies behind the Proposed 2012 Minnesota Constitutional Amendments and the Danger or Myth of the Tyrannical Majority.**

Friday, October 26, 2012, 8:00 am – 5:00 pm

Anderson Center, Hamline University, St. Paul

CLEs: 6.25 credits approved (2 Elimination of Bias)

Cost: Current Students – Free with valid Student ID Card, Hamline Law Alumni graduated from 2009-2012 - \$15, Hamline Law Alumni - \$100, Public/Non-Profit - \$60, Non-Alumni registration received before 9/26/2012 - \$130, Non-Alumni registration received after 9/26/2012 - \$160.

**I. DESCRIPTION**

The Journal of Public Law and Policy at Hamline University School of Law in Saint Paul, Minnesota, will host a symposium on October 26, 2012 tentatively entitled- Minority Rights and Majority Rule: The Arguments and Policies Behind the Proposed 2012 Minnesota Constitutional Amendments and the Danger or Myth of the Tyrannical Majority. This symposium will gather scholars, policy makers, and government officials to discuss these amendments within the scope of balancing democracy and equality, and the proper role of majority rule referendums. The central issues to be addressed at the symposium include the impact of placing minority rights up for majority vote, the legality and consequences of such Constitutional amendments, and whether a more appropriate venue to address these issues exists.

**II. Schedule**

8:00 – 8:30	Check-in and Continental Breakfast
8:30 – 8:45	Welcome remarks Nicole Shave Donald M. Lewis Hamline Law Alumni Board Representative- Samuel J.H. Sigelman Jake Barnes

8:45 – 9:15	Guest Speaker - Micah Hines (General Counsel to Governor Dayton)
9:15 – 10:00	Speaker - Professor Mary Jane Morrison (Hamline University School of Law) <i>Presentation on the General History of the MN Constitution and Amendments.</i>
10:15 – 10:30	BREAK
10:30 – 11:15	Speaker - Mr. William Pentelovitch <i>Presentation on the Governor's vetoes and an argument for their validity</i>
11:15- 12:00	Speaker- Peter Nelson <i>The Need for Voter ID</i>
12:00 – 12:45	Voter ID Panel <ul style="list-style-type: none"> <li>Dan McGrath- MN Majority</li> <li>Mr. Bill Pentelovitch</li> <li>Mr. Charles Samuelson; Exec. Director of MN ACLU</li> <li>Professor David Schultz (Hamline)</li> <li>Peter Nelson</li> <li>Rep. Steve Simon</li> </ul>
12:45 – 1:15	LUNCH Speaker- Professor Osler, UST, MN United Representative
1:15 – 2:00	Speaker- Professor Barbara Cox (California Western School of Law) <i>Presentation on Marriage Amendment</i>
2:00 – 2:45	Speaker- Professor Lynn Wardle (BYU) <i>A comparison of the text of Minnesota's proposed marriage amendment with the various and varied substantive constitutional provisions adopted in other jurisdictions to address the issue of same-sex marriage is illuminating, elucidating the core social and legal justice principles behind and embodied in those amendments.</i>
2:45 – 3:00	BREAK

3:00 – 4:00	Panel 2 Professor Mary Jane Morrison Professor Lynn Wardle Rep. Gruenhagen Sen. Scott Dibble Professor Barbara Cox
4:00 – 4:45	Professor Schultz: <i>Liberty v. Elections: The Failure of Direct Democracy and the Crisis of Constitutional Politics.</i>
4:45-5:00	Concluding Remarks and Survey

## II. ABOUT THE TRAINERS

### **Professor Mary Jane Morrison, Hamline University School of Law**

B.A., University of Florida  
M.A., University of Illinois  
J.D., College of William and Mary, Marshall-Wythe School of Law  
Ph.D., University of Illinois

Mary Jane Morrison joined the Hamline Law faculty in 1981. She is admitted to practice before the Minnesota Supreme Court, the Virginia Supreme Court, and the United States District Court in Minnesota and is a member of the Minnesota State Bar Association, the Ramsey County Bar Association, the Virginia State Bar Association, the American Bar Association, and the National Lawyers Guild.

Professor Morrison teaches analysis of statutes, treaties, and constitutions in courses on the United States Constitution, criminal law, and state constitutional law, particularly with respect to the Minnesota State Constitution, and seminars on advanced-topics in constitutional law and criminal law.

For the last several years, Professor Morrison has volunteered as an Ombudsman for a Department of Defense agency that mediates issues under USERRA and has chaired the Human Rights and Research Committee of an organization with group homes for

developmentally disabled adults. She previously provided pro bono legal work on issues under federal and state constitutions and civil rights statutes, was a guardian ad litem for abused children in Ramsey County, and served on the Legal Redress and Political Action Committee of the St. Paul Branch of the NAACP. Through an ABA project, she advised Albania, Lithuania, and Romania on developing their constitutions. She also has served on several state, local, and minority bar association boards of directors, committees and task forces.

Professor Morrison has spoken on dedicated-fund clauses in state constitutions before several bar associations and public-policy think tanks and to professional and lay audiences on the Patriot Act and the Defense of Marriage Act. She also periodically speaks to professional audiences on notable decisions from the United States Supreme Court's most recent term.

#### Recent Related Publications

*Can Dedicated-fund Clauses in the Minnesota Constitution Serve the State's Interest Best?*, 23-7 MINN. J. 4 (2006).

*THE MINNESOTA STATE CONSTITUTION: A REFERENCE GUIDE* (2002).

#### Presentation Abstract:

The story of the Minnesota Constitution is the story of a people and a time not very different from our own or from the topic that this Symposium addresses.

The Minnesota State Constitution was born amidst deeply divisive political opinion that reached a hard bargain to put all joking aside and extend the elective franchise to only white men and mixed-blood Indians who acted like white men as the people who counted in this state. The document also contained a provision that would make today's adherents of Tea Party look like liberal, tax-and-spend sympathizers.

Less than three years after the Congress admitted Minnesota on an "equal footing" with other states to the Union, the first three amendments to the Minnesota Constitution addressed a boondoggle that rivaled the auto bailouts of our time and gave the new state its "gopher state" name.

Eventually, although Minnesotans agreed to amendments that allowed women to vote in school board elections (1875) and library board elections (1898), they and their political leaders did not bother to eliminate the "male" limitation of the general franchise right

until a quarter of a century after the ratification of the federal Nineteenth Amendment. Limitations as to Indians left the document in only 1960.

Nor did the original drafters of the Minnesota Constitution give Minnesotans a guarantee of equal protection, except as to taxation. But they did give Minnesotans the Rights and Privileges Clause and the Due Process Clause of Magna Charta. And over time, women and Indians and less privileged members of the society of this state have secured rights under those clauses and under the expansive Freedom of Conscience Clause for everyone in Minnesota.

### **Mr. William Pentelovitch**

J.D. University of Chicago Law School, Chicago, Illinois, 1974

B.A. University of Minnesota, Minneapolis, Minnesota, 1971

Honors: summa cum laude

Honors: Phi Beta Kappa

After graduating in 1974 from the University of Chicago Law School where he was a research assistant to Professor Richard Posner, who later became Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, Bill joined Maslon Edelman Borman & Brand, LLP, where he has been a business trial lawyer who has tried hundreds of jury and bench trials, as well as dozens of appeals in state and federal courts to his credit. He practices nationally in the areas of non-compete, trade secret and unfair competition litigation, intellectual property licensing and royalty disputes, and is a leading authority in Minnesota in the area of ownership and governance disputes in corporations and partnerships. His wide-ranging trial practice encompasses virtually every type of dispute in which businesses can become embroiled, with a particular emphasis in the areas of non-compete, trade secrets, unfair competition, intellectual property licensing and royalty disputes, antitrust, securities, and financial services.

In addition to his busy complex business litigation practice, Bill has a long history of litigating cases to protect constitutional rights. In the 1970s he was part of the team of Maslon attorneys who represented the NAACP in its federal lawsuits to desegregate the Minneapolis Public Schools and the Minneapolis Fire Department. In the 1980s he represented Planned Parenthood of Minnesota and South Dakota in its successful challenge to Minnesota's efforts to require minors to obtain the consent of both parents in order to have an abortion; that effort resulted in the U.S. Supreme Court's decision in *Hodgson v. Minnesota*. Throughout the 1990s Bill served on the board of Planned Parenthood of Minnesota and South Dakota as its General Counsel. In 2008 Bill represented protesters at the

2008 Republican National Convention in their negotiations with civic authorities to protect their rights to freedom of speech and assembly. He also represented U.S. Senator Al Franken in three appearances before the Minnesota Supreme Court during the canvass of the contested 2008 senatorial election. Most recently, Bill represented the League of Women Voters, Common Cause, and Jewish Community Action in the challenge to the ballot question for the Voter ID amendment before the Minnesota Supreme Court, and he filed an amicus brief on behalf of the American Civil Liberties Union of Minnesota, Common Cause, and Jewish Community Action in the ballot title cases before the Minnesota Supreme Court.

Bill's is a Fellow of the International Academy of Trial Lawyers, which holds itself out as being comprised of the 600 best trial lawyers in the world. Since 2003, he has been continuously ranked as one of the Top 100 Minnesota Super Lawyers®; and in 2011 he became ranked as one of the Top 10 Minnesota Super Lawyers®. Chambers USA has ranked Bill as one of the top ten commercial trial lawyers in Minnesota since 2003, and he has been listed in The Best Lawyers in America® since 1995. Since 1988, Bill has been certified as a civil trial specialist pursuant to the Rules of the Minnesota Supreme Court by the Minnesota State Bar Association; and he has also been certified as a civil trial specialist by the National Board of Trial Advocacy. Bill has held an AV® rating from Martindale-Hubbell for more than 30 years and currently holds an AV® Preeminent™ rating. Bill currently serves on the boards of the American Civil Liberties Union of Minnesota, the Sabes Jewish Community Center, and the MSBA Civil Trial Certification Council.

### Presentation Abstract

Governor Dayton “symbolically” vetoed both the Voter ID and Marriage Amendments that are being voted on by the electorate on November 6. Neither veto was overridden by the legislature. Why were Governor Dayton’s vetoes only symbolic? Why are we voting on the amendments since the legislature did not override the vetoes?

The answers to both questions is that on three occasions beginning in the 1920s, Minnesota Attorneys General have opined that Minnesota governors do not have the authority to veto proposed constitutional amendments, However, a careful reading of the Minnesota constitution, and a review of its early history, lead to the conclusion that those Attorney General opinions are simply wrong.

The Minnesota Constitution clearly, plainly, and unambiguously empowers Minnesota governors to veto “[e]very bill” and “[e]ach order, resolution or vote” requiring the concurrence of both houses of the legislature[1] (emphasis added). When the governor’s veto

power is exercised, the legislature must either overcome the veto by a two-thirds vote of each house or the measure fails. The Constitution does not exempt proposed constitutional amendments from the governor's veto power. Indeed, constitutional amendments have always or almost always been presented to governors for signature. Since the only circumstance provided in the constitution for presentment to the governor is to give the governor an opportunity to approve or exercise his veto, it is clear that from the very origins of our state it has been understood that under our constitution amendments must be presented to the governor for his approval or veto. Moreover, In *Secombe v. Kittelson*[2], the Minnesota Supreme Court rejected a challenge to the validity of the first amendment to the Minnesota Constitution on the ground that it had not been approved by the governor, ruling that since the acting governor had authority to sign the proposed amendment in the governor's place, the amendment was valid.

### **Peter C. Nelson, Center of the American Experiment**

Peter Nelson is a Policy Fellow. As such, he spends most of his time researching and writing on issues related to health care and energy. On health care, Peter primarily focuses on issues involving insurance regulation, Medicaid, and long-term care. He regularly consults with state policy makers on these issues and contributes commentaries to the *Star Tribune*, *Pioneer Press*, and other local newspapers across Minnesota. Peter received his B.A. in economics from Wheaton College and a law degree from the University of Minnesota Law School where he was a member of the *Minnesota Law Review*.

#### Presentation Abstract

*How photo ID will impact election integrity, access to the ballot, and minority rights.*

Peter J. Nelson, Director of Public Policy, Center of the American Experiment In November, Minnesota voters will be asked to approve a constitutional amendment to require voters to present a photo ID when voting. Peter Nelson will offer his perspective on the various issues tied to the amendment. In particular, Peter will discuss how the amendment can strengthen the integrity of Minnesota elections while maintaining easy access to the ballot for voters. He will also discuss why the legal requirements of the amendment do not require substantial changes to the election process, how current legal challenges to photo ID laws in other states impact the future of the amendment, and how photo ID can protect minority rights by increasing the majority's confidence in America's system of government.

### **David Schultz, Hamline University**

BA, Suny Binghamton Center

MA, Rutgers State University of New Jersey

MA, Suny Binghamton Center

PHD, University of Minnesota  
JD, University of Minnesota  
LLM, University of London

David Schultz is a nationally recognized expert in government, nonprofit, and business ethics, campaign finance reform, land use and eminent domain policy, law and politics, and the media and politics who has been extensively quoted in news sources such as the New York Times, Wall Street Journal, CNN, MSNBC, Washington Post, The Christian Science Monitor, NBC News, ABC News, CBS News, Cox News Service, and National Public Radio. He is the editor for five book series with Peter Lang Publishing and M.E. Sharpe as well as author and editor of 25 books, 12 legal treatises, and over 60 articles. His most recent publications include Money, Politics, and Campaign Finance Reform Law in the States (2002) and the Encyclopedia of Public Administration and Public Policy (2003), and the Encyclopedia of the First Amendment (2008). Professor Schultz is past president, lobbyist, and executive director for Common Cause Minnesota; he has worked as a housing and economic planner for an Office of Economic Opportunity agency; helped in the drafting of the new 8th edition of the Model City Charter for the National Civil League; and participated in three amicus briefs before the United States Supreme Court regarding campaign finance reform. Besides teaching classes in government ethics, housing and economic development, privatization, and the foundation of public administration, David also holds appointments in the Department of Criminal Justice and Forensic Science where he teaches criminal justice and criminology, and in several local law schools where he offers classes in state and local law, legal ethics, election law, and state constitutional law.

### **Publications**

- Lights, Camera, Campaign!: Media, Politics, and Political Advertising (Peter Lang, 2004)
- The Encyclopedia of Civil Liberties (M.E. Sharpe, 2005)
- The Encyclopedia of the Supreme Court (Facts on File, Inc., 2005)
- The Corporate University in American Society
- Judicial Selection in Minnesota: Options After Republican Party v. White

### Presentation Abstract

Title: Liberty v. Elections: The Failure of Direct Democracy and the Crisis of Constitutional Politics.

Abstract: Majority rule and special interest politics can threaten individual rights. Madisonian democracy addresses this threat through constitutional mechanisms such as a bill of rights, checks and balances, and representation. The Progressive Era reforms of initiative, referendum, and recall were adopted as a means to further democracy and break entrenched politics captured by interest groups. Yet it is not clear if these experiments in direct democracy have protected rights, let alone confined special interest politics.

Using the 2012 Minnesota constitutional amendments on marriage and voter ID as examples, as well as the recent recall attempt of Governor Walker in Wisconsin and the initiative process in California, this paper argues that elections, constitutional politics, and the use of initiative, referendum, and recall have generally failed to further rights and instead have undermined the goals of Madisonian democracy.

### **Professor Lynn Wardle, Brigham Young University**

Lynn D. Wardle is the Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at Brigham Young University where he has taught since 1978. His primary fields of teaching and writing are family law, comparative family law, conflict of laws, U.S. constitutional history, and biomedical ethics and law. Professor Wardle was President (2000-02) and Secretary-General (1994-2000) of the International Society of Family Law (ISFL), and still serves on the ISFL Executive Council. He also is a member of the American Law Institute, and a co-founder (and current President) of the International Academy for Study of Jurisprudence of the Family, and the managing editor of the *International Journal of the Jurisprudence of the Family*. He has been an academic visiting professor, lecturer or scholar teaching classes at Howard University School of Law, Sophia University Faculty of Law (Tokyo), University of Queensland T.C. Beirne Law School (Brisbane), China University of Political Science and Law (Beijing), Nanjing Agricultural University Faculty of Law (China), and University of Aberdeen Faculty of Law (Scotland). Among his recent publications are *Dilemmas of Indissoluble Parenthood: Legal Incentives, Parenting, and the Work-Family Balance*, 26 *BYU J. Pub. L.* 265 (2012); *The “constitution” of Marriage, and the “Constitutions” of Nations*, 45 *U. San Francisco L. Rev.* 437 (2010-11); *The Boundaries of Belonging: Allegiance, Purpose and the Definition of Marriage*, 25 *B.Y.U. J. Pub. L.* 287 (2011); *Section Three of the Defense of Marriage Act: Deciding, Democracy, and the Constitution*, 58 *Drake L. Rev.* 951 (2010); *Marriage and Religious Liberty: Comparative Law Problems and Conflict of Laws Solutions*, 12 *J. L. & Fam. Stud.* 315 (2010); *Comparative Perspectives on Adoption of Children by Cohabiting, Nonmarital Couples and Partners*, 63 *Ark. L. Rev.* 31 (2010); *Gender Neutrality and the Jurisprudence of Marriage* in *THE JURISPRUDENCE OF MARRIAGE AND OTHER INTIMATE RELATIONSHIPS* 37 (S. FitzGibbon, L. D. Wardle, & A.S. Loveless eds., 2010); *Alimony on the Margins: Protecting Homemaking Service in the Public Interest*, in *FAMILY FINANCES* 475 (Jan Sramek Verlag, 2009); and *WHAT’S THE HARM? DOES LEGALIZING SAME-SEX MARRIAGE REALLY HARM INDIVIDUALS, FAMILIES OR SOCIETY* (Lynn D. Wardle, ed., 2008).

### Presentation Abstract

*The Proposed Minnesota Marriage Amendment in Comparative Constitutional Law:*

### *Substance and Procedure*

Minnesota is not the first jurisdiction to consider adopting a constitutional amendment or provision relating to same-sex marriage. Indeed, thirty-one states already have adopted such “state marriage amendments,” and language appearing to bar legalization of same-sex marriage appears in the constitution of dozens of nations, as well. On the other hand, six states and eleven foreign nations have legalized same-sex marriage. A comparison of the text of Minnesota’s proposed marriage amendment with the various and varied substantive constitutional provisions adopted in other jurisdictions to address the issue of same-sex marriage is illuminating, elucidating the core social and legal justice principles behind and embodied in those amendments. Likewise, a comparison of the Minnesota amendment process with the processes by which various constitutional marriage amendments or provisions have been adopted, and by which the issue regarding whether same-sex marriage should be legalized has been settled reveals important truths about basic democratic process, fundamental human rights, and the respective roles of the people, their elected representatives, and the judiciary in creating, establishing, defining, maintaining, and protecting fundamental human rights.

### **Professor Barbara J. Cox, Clara Shortridge Foltz Professor of Law at California Western School of Law**

J.D. University of Wisconsin [*cum laude*]  
B.A. Michigan State University  
[*cum laude*, political philosophy]

California Western's associate dean for academic affairs from 1997-2001, Professor Cox is a national authority on sexual orientation and the law, and women and the law. She has written numerous articles on interstate recognition of marriage and civil unions of same-sex couples. As a commissioner on the Madison Equal Opportunities Commission in Wisconsin, Professor Cox helped draft one of the earliest domestic partnership ordinances in the country. She has published articles on obtaining recognition for alternative families in journals such as the *National Journal of Sexual Orientation Law* and the *Southern California Review of Law and Women's Studies*.

Cox is past chair of the Association of American Law Schools (AALS) Section on Women and the Law and the AALS Section on Gay and Lesbian Issues, and former deputy director of the AALS. She chairs the Board of Directors and the Executive Committee of the national Freedom to Marry organization, and completed six years on ABA Accreditation Committee in June 2011.

### **Selected Publications**

- "Why Appellate Courts Have Rejected the Argument That The Defense of Marriage Act Trumps the Parental Kidnapping Prevention Act"
- "Same Sex Couples Seek Federal Benefits and Interstate Recognition of Their Relationships in the INTERNATIONAL SURVEY OF FAMILY LAW 401 (Bill Atkin ed., 2010)
- "A Painful Process of Waiting:" The New York, Washington, New Jersey, and Maryland Dissenting Justices Understand that "Same-Sex Marriage" is not What Same-Sex Couples are Seeking, 45 (1) *California Western Law Review* 139 (2008-09).
- "My Life-Long Commitment to Equal Justice and Civil Rights," in "Its Harder in Heels: Essays by Women Lawyers (Slotkin and Goodman, eds. 2007)
- Equal Rights are Now Promised Every Californian, San Diego Union-Tribune (May 16, 2008) (discussing the California Supreme Court's *In Re Marriage Cases* opinion).
- Some Ruminations about Marriage Equality and the Four Recent Supreme Court Cases, Tome Homann Law Association Newsletter 3-4 (Spring 2008).
- Book review, Same Sex, Different States: When Same-Sex Marriages Cross State Lines by Andrew Kioppelman, 5 (1) *Sexuality research and Social Policy Journal* 106 (March 2008).
- Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, 515 US 557 (1995) in *Encyclopedia of the Supreme Court of the United States* (David Tanehaus, ed), MacMillan Reference (forthcoming 2008).
- Cox, The 40th Anniversary of *Loving v. Virginia*: It's Enduring Vitality, Los Angeles Daily Journal (June 12, 2007) (reprinted in *Res Ipsa*, March 2008).

### Presentation Abstract

I plan to discuss how the proposed Minnesota anti-marriage amendment would violate citizens' fundamental right to marry and equal protection rights. Same-sex couples should enjoy the same rights to civil marriage and recognition of their relationships as opposite-sex couples receive. Equally important, however, is Minnesota's own interest in not including within its constitution, known for protecting individual rights, an amendment that singles out sexual minorities for discrimination. In 1998, when Hawaii and Alaska were enacting the first constitutional bans against marriages by same-sex couples, South Carolina finally obtained sufficient votes to repeal its constitutional ban preventing interracial couples from marrying. Although that ban had been unconstitutional since 1967, when the Supreme Court declared that all anti-miscegenation laws violated such couples' fundamental right to marry and equal protection rights, South Carolina voters refused to remove it from their constitution. Showing that the "tyranny of the majority" is not a myth, but rather an actual impediment to obtaining equal rights for minorities, South Carolina provides a perfect example of why it

is unconstitutional to put individual rights of minorities to a popular vote by the majority. It offers a stark example of why Minnesota should not enshrine discrimination into its constitution.

### **Professor Mark Osler, University of St. Thomas**

J.D. Yale Law School

B.A. College of William and Mary

Mark Osler is a Professor of Law at the University of St. Thomas Law School in Minnesota. A graduate of the College of William and Mary and Yale Law School, Prof. Osler is a former federal prosecutor whose work has consistently confronted the problem of inflexibility in sentencing and corrections.

As lead counsel he won the case of *Spears v. United States* (2009) in the U.S. Supreme Court, where the Court held that sentencing judges can categorically reject the 100:1 ratio between crack and powder cocaine in the federal sentencing guidelines. Justice Stevens (in dissent) also quoted Prof. Osler in the seminal case of *United States v. Booker* (2005), which struck down the mandatory guidelines. As an appellate attorney, Osler has briefed or argued cases (often as Amicus for other sentencing experts) in six federal courts of appeal and in the United States Supreme Court, and as a sentencing expert he has testified in Congress (2009) and before the U.S. Sentencing Commission (2004).

He serves as the head of the Association of Religiously Affiliated Law Schools, and often lectures on issues relating to sentencing, ethics, and faith and the law. His work on one case is portrayed in the Samuel Goldwyn film *American Violet*, where the character of Prof. Joe Fischer is based on Osler's role in working with a former student to address suspect practices by a District Attorney. His book, *Jesus on Death Row* (Abingdon, 2009) challenges the death penalty based on the experience of Christ as a criminal defendant. He has also authored over twenty academic articles and has been interviewed as a sentencing or Supreme Court expert on CNN, NPR's *Morning Edition*, ABC's *Good Morning America*, and in hundreds of newspapers. In 2009 (while serving as a professor at Baylor University) he was named "Wacoan of the Year" by *Wacoan Magazine*.

#### Presentation Abstract

A Constitutional and Christian Argument Against the MN Marriage Amendment

It matters that what the Marriage Amendment proposes to change is a Constitution. In the American tradition we carefully distinguish a Constitution from a law: A law usually restricts the freedom of individuals, while a Constitution structures and limits the ability of a government to do exactly that. In other words, a Constitution serves to increase individual freedom, not to limit it.

Our best example of this is the work of the framers of the original text of the United States Constitution and the Bill of Rights—courageous and inspired men who crafted the central document in our society. Their work was marked by a profound belief in individual freedom and a distrust of government limitations on that freedom. It should be no surprise that the first article of our state constitution is a Bill of Rights that tracks the impulse for freedom and even the language those men crafted over 200 years ago.

To limit freedom in a Constitution is against the deepest truths that inspired our founders. Would they have approved of gay marriage? Perhaps not, but they would not have put that disapproval in a Constitution; they understood what it was that they were writing. We are not wiser than them, and should not pretend such by putting this limit to freedom into our constitution when it already exists in a law.

Many of those who oppose me on this issue do not do so out of bigotry or hatred, but out of genuine religious belief. For Mormons and Catholics, there is church teaching on this issue that draws from sources outside (and inside) the Bible. However, I would argue that for those who are from other faith traditions (ie, Protestants), there is a genuine argument to be made that our faith should compel us to resist this amendment. The work of Jesus and the apostles was consistently towards acceptance and love, and away from judgment of the seeming sins of others. The force of the Holy Spirit, especially in the earliest days of the church, was always towards a broadening of the faith to those who had been excluded. Because I believe in the merciful love of Christ and the wisdom of those who created our nation, I am against the amendment of the Minnesota Constitution to limit the freedom to marry.

### **Dan McGrath, Exec. Director of MN Majority**

Executive Director of Minnesota Majority, a non-profit government watchdog and public policy organization  
Chairman of ProtectMyVote.com, the ballot committee advocating ratification of the Voter ID Amendment  
Editor, GlobalClimateScam.com climate change blog  
Project Leader, Election Integrity Watch (2010)  
Campaign Manager, Sue Jeffers for Governor (2006)  
Communications Director, Dave Shegstad for City Council (2005)  
Dan McGrath was born and raised in Minneapolis. He's had a widely varied background that includes audio engineering, video production, chauffeur courier and other driving jobs and he owned and operated two small businesses: a house painting company and a small chain of hobby stores. McGrath first became involved in politics after buying a home in South Minneapolis. McGrath has published numerous opinion-editorials on election integrity, voter fraud and voter ID laws in Minnesota's papers, appeared in the Documentary, "Stealing Your Vote," and numerous TV news broadcasts. He has also testified in over a dozen legislative committee hearings on Voter ID and related election issues.

Writings:

Unverifiable Voters in Minnesota's Elections (2012)

Ineligible Wards Voting in Crow Wing County 2010 Election (co-authored, 2011)

Felon Voter Fraud Convictions Stemming from Minnesota's 2008 General Election (2011)

Fraudulent Votes Cast by Ineligible Felons in Minnesota's 2008 General Election (2010)

The Case for Investigation and Reform in Minnesota's Elections (2009)

**Mr. Charles Samuelson; Exec. Director of MN ACLU**

Charles Samuelson was born near Buffalo, New York and attended Hamburg High School. He graduated from Syracuse University with a B.A. in Medieval History and a minor in political science. He studied at Freiburg University in Germany and pursued a doctorate in Medieval History at the University of Wisconsin-Milwaukee. He moved to the Twin Cities in 1977 and has pursued a career in the non-profit sector for the past 25 years. He lives in a Twin Cities suburb with his wife and two children.

**Rep. Steve Simon**

University of Minnesota Law School, J.D. (1996)

Tufts University, B.A., Political Science (1992), Selected as Harry S. Truman Scholar from Minnesota

[Request sent]

**Rep. Gruenhagen**

Representative Glenn Gruenhagen was raised on a dairy farm in Glencoe, MN. He is a veteran of the United States Marine Corps. He is married, with 3 daughters and 4 grandchildren.

Small business owner of Gruenhagen Insurance and Financial Services, he has 32 years experience in private business, insurance and financial planning. Gruenhagen holds degrees as a Chartered Financial Consultant (ChFC) and Chartered Life Underwriter (CLU)

Prior to be elected to the MN house of representatives in 2010, Representative Gruenhagen served on the Silver Lake public school board for 4 terms.

**Sen. Scott Dibble**

Senator Scott Dibble first became involved in politics in the mid-1980's working on issues concerning the civil rights of gay, lesbian, bisexual, and transgender (GLBT) communities including HIV/AIDS. His involvement led to organizing on issues of social and economic justice—especially in the areas of neighborhood livability, transportation, housing, energy and the environment.

He later worked as aide to Minneapolis City Council Member Doré Mead for about 6 years. In 2000, Dibble ran for a seat in the Minnesota House of Representatives, becoming the third openly gay legislator to serve in the Minnesota Legislature. After serving one term in the House, Dibble ran for State Senate in 2002 where he is now serving in his third term.

Senator Dibble has played a key role in a number of legislative successes. They include passage of an historic transportation funding measure, enactment of the Freedom to Breathe Act (ensuring clean indoor air for all workers) and approval of the Runaway and Homeless Youth Act. As the Chair of the Senate's Transit Subdivision, Senator Dibble played a pivotal role in the override of Governor Pawlenty's veto of a vital transportation improvement bill that will allow the Twin Cities to build a transit system for the 21st century. He was also asked to serve on a special investigative committee that looked into the tragic collapse of the I-35W Bridge. Senator Dibble continues to be a leader in the Minnesota Senate on legislation relating to transportation and transit, energy efficiency, the environment, housing and economic development. He served as chief author of legislation to merge the closed Police and Fire pension funds with a state system, saving Minneapolis property tax payers \$26 million in 2012, provided leadership to prevent neighborhood programs from total elimination, has been the legislative leader on bullying prevention and HIV/AIDS issues. Also in his portfolio of legislative accomplishments are the tenant bill of rights; leadership on key capital bonding projects such as light rail transit, high speed rail, the Minnesota Orchestra; improvements for Minneapolis Community and Technical College; establishing more solar energy; a response to the foreclosure crisis; fighting on behalf of tipped employees; protecting the renter's credit. He has long championed housing and job supports for those with disabilities and mental illness.

Senator Dibble has helped position Minnesota as a leader among the states that are working to solve critical clean air, global warming, and economic challenges. Senator Dibble has served as chief author or as a lead negotiator on groundbreaking energy efficiency standards, implementation of a nation-leading renewable energy standard, establishment of a carbon dioxide reduction mandate, instituting the nation's most stringent mercury emission reduction requirements for coal-fired energy, the first legislation in the

country on hybrid plug in electric cars, programs to aid the construction of green buildings and to assist local governments in building more energy efficient facilities. Senator Dibble helped author and served on the state's Green Jobs Task Force charged with developing a comprehensive economic development policy charged with shaping Minnesota's participation in the Green Economy for generations to come.

Senator Dibble has helped lead the charge defending against numerous attacks on human rights over the past 12 years, especially directed against the LGBT community. He helped defeat a proposed anti-marriage constitutional amendment successfully for a number of years, until its passage in May of 2011. He is now helping lead the campaign for its defeat on the ballot in November of 2012.

Standing Senate Committees: Transportation Committee (Ranking DFL member), Energy, Utilities, and Telecommunications Committee, and Taxes Committee.

Joint Legislative Committees: Legislative Energy Commission, Legislative Commission on Metropolitan Government, Legislative Commission on Pensions and Retirement

Taskforces: Mileage Based User Fee study, Public Private Partnerships, Governor's Task Force on the Prevention of Bullying

National Leadership: Past Chair (2009-2010) of the National Conference of State Legislature's Transportation Committee, Member Public Private Partnership Task Force, past board member of Center for Policy Alternative and Gay and Lesbian Leadership Institute.