

April 4, 2003

Twenty copies of this folder, taped shut by me, was delivered at 5:00 p.m. today to my office by DFL staff.

I clarified with Mr. Rahn that the materials are from the complainants and are intended for committee consideration at the meeting on Monday, April 7.

I have contacted all committee members, the respondent, the respondent's attorney, and committee staff and will make every reasonable effort to distribute these over the weekend. I will notify all parties by email.

Blair Tremere

A handwritten signature in black ink, appearing to read 'Blair Tremere', written in a cursive style.

Ethics Committee Administrator



Minnesota House of Representative Committee on Ethics
Complaint Against Rep. Arlon Lindner
2003 Legislative Session

Memorandum on Free Speech

The Minnesota House of Representatives has well-established authority to discipline one of its members. The Minnesota Constitution states that "Each House may determine the rules of its proceedings, sit upon its own adjournment, [and] punish its members for disorderly behavior...." Minnesota Const. Art. IV, Sec. 7. Pursuant to this authority, the House has adopted Permanent Rules for the 83rd Legislative Session (2003-2004). Under Rule 6.01, the House has established a standing Committee on Ethics. In addition, Rule 6.10 provides that an ethics complaint may be brought before the Ethics Committee about a member's conduct that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute. Finally, Rule 2.31 provides that a member may be subject to censure of the House. Rep. Lindner has voted for these Rules six times.

The courts have held in various cases that discipline of a member's speech by a political body is entirely consistent with the First Amendment. They have stated that because legislative discipline such as a censure does not prevent a member from speaking out to his constituents, voting, or otherwise performing his job as a legislator, it does not infringe on his or her ability to speak out. See Zilich v. Longo, 34 F.3d 359 (6th Cir. 1994); Whitener v. McWatters, 112 F.3d 740 (4th Cir. 1997); Phelan v. Laramie County Community College Bd. of Trustees, 235 F.3d 1243 (10th Cir. 2000). Moreover, the federal courts have held that a legislature's ability to express its disapproval through a resolution of censure is likewise a protected free speech right. Id.



Minnesota House of Representative Committee on Ethics
Complaint Against Rep. Arlon Lindner
2003 Legislative Session

MOTION TO RECUSE

Complainants hereby move that the Chair of the House Ethics Committee, Rep. Sondra Erickson, recuse herself as Chair for the duration of the proceedings against Rep. Arlon Lindner.

On March 11, 2003, the Complainants delivered to the Speaker of the House an ethics complaint against Rep. Arlon Lindner. In the complaint, Complainants have alleged that Rep. Lindner recently made various statements denying the fact that homosexuals were persecuted by the Nazi regime. Complainants have also alleged that Rep. Lindner's made a statement that homosexuality would inflict a "holocaust upon our children" and turn "America into another African continent." Complainants have further alleged, pursuant to House Rule 6.10, that these statements violate the norms of House behavior and bring the Minnesota House of Representatives into dishonor or disrepute. The House Ethics Committee, having formally recognized receipt of the complaint against Rep. Arlon Lindner, must now hold hearings to determine probable cause under Ethics Committee Rule 6.

Rep. Sondra Erickson should recuse herself as Chair of the House Ethics Committee for the duration of these hearings because of the appearance of bias and cannot be perceived as an impartial decision-maker. The Minnesota Rules of Civil Procedure provide that a judge must not sit in any case if the judge might be excluded for bias from acting therein as a juror. See Minn. R. Civ. P. 63.02. Rep. Erickson co-authored Rep. Lindner's bill, HF 341, which proposes stripping sexual orientation from Minnesota's Human Rights Act. It was in reference to this bill that Rep. Lindner made the statements that are the subject of the ethics complaint. Rep. Erickson's support of this legislation is a clear indicator that she is biased regarding this matter in particular and GLBT issues in general.

In addition, Rep. Erickson should recuse herself as Chair of the House Ethics Committee for the duration of these hearings because her presiding over this matter raises the appearance of impropriety. The Minnesota Supreme Court has held that, in accordance with Rule 63.02 of the Minnesota Rules Of Civil Procedure, that no judge should ever try the cause of any citizen, even though he or she is free from bias in fact, if circumstances have arisen which give a bona fide appearance of bias. State v. American Fundamentalist Church, 530 N.W.2d 200, 206 (Minn. 1995). The fact that Rep. Erickson removed herself as an author after the ethics complaint was filed and only four days before the Ethics Committee convened indicates that Rep. Erickson saw the impropriety of the connection. However, removing her name from the bill cannot erase her bias in the matter. The Ethics Committee is clearly designed to operate impartially and in a bi-partisan matter, and should not be tainted by bias or the appearance of it.

Moreover, Rep. Erickson's conduct in the Ethics Committee proceedings thus far have demonstrated her inability to preside fairly over the process. In the course of the Committee's consideration of Respondent's subpoena request, Rep. Erickson has shown her bias and predisposition by intentionally withholding information from the DFL members of the Committee and actively misleading them regarding Respondent's purpose for seeking subpoenas. She colluded with Respondent's attorney in an ex parte communication regarding the subpoena request. In addition, she summarily curtailed each party from giving input into the Committee's decision on whether to grant the subpoena. She has failed to provide for Complainants to cross-examine Respondent if he testifies on his own behalf at the probable cause hearing, and has severely limited the time for each party to present evidence.

Under these circumstances, and with Rep. Erickson as chair, Complainants will not receive a fair hearing on the merits of the complaint. Complainants respectfully move that Rep. Sondra Erickson recuse herself as Chair of the House Ethics Committee during consideration of the Arlon Linder matter.

Signed this 4th day of April, 2003.


Complainant


Complainant



Minnesota House of Representatives

March 11, 2003

The Honorable Steve Sviggum
Speaker of the House
463 State Office Building
St. Paul, MN 55155

Dear Speaker Sviggum:

Pursuant to Temporary House Rule 6.10, we request that the House Committee on Ethics convene for the purpose of investigating the conduct of Representative Arlon Lindner. The subject of this ethics filing is contained in the enclosed complaint.

It is our request that a preliminary hearing be held on this complaint immediately, pursuant to the procedures of the Committee on Ethics.

Handwritten signature of Keith Ellison in cursive.

Representative Keith Ellison

Handwritten signature of Ron Katz in cursive.

Representative Ron Katz

Handwritten signature of Matt Entenza in cursive.

Representative Matt Entenza

Handwritten signature of Margaret Anderson Kelliher in cursive.

Representative Margaret Anderson Kelliher

Handwritten signature of Karen Clark in cursive.

Representative Karen Clark

Handwritten signature of Neva Walker in cursive.

Representative Neva Walker

Handwritten signature of Lyndon Carlson in cursive.

Representative Lyndon Carlson

Handwritten signature of Frank Hornstein in cursive.

Representative Frank Hornstein

Enclosure

cc: Representative Arlon Lindner



Minnesota House of Representatives

FORMAL NOTICE OF COMPLAINT AGAINST REPRESENTATIVE ARLON LINDNER FOR VIOLATION OF THE RULES OF THE MINNESOTA HOUSE

NOTICE OF COMPLAINT

The undersigned, members of the Minnesota House of Representatives, in furtherance of their responsibilities to uphold the Constitution and Rules of the House, hereby notify the Speaker of the House of their filing of a complaint against Representative Arlon Lindner.

Representative Lindner's violation of Rule 6.10 of the House, promulgated pursuant to the Minnesota State Constitution, Article IV, Section 7, and the formal Temporary Rules of the House, adopted on January 7, 2003, requires the immediate convening of the House Ethics Committee for a preliminary hearing as provided by House Rule 6.10.

The complaint is hereby enclosed and contains, with specificity, the allegations sworn by the undersigned Representatives.

We swear the statements in the complaint are true, so help us God.

Dated this 11th Day of March 2003.

Handwritten signature of Representative Keith Ellison.

Representative Keith Ellison

Handwritten signature of Representative Ron Latz.

Representative Ron Latz

Handwritten signature of Representative Matt Entenza.

Representative Matt Entenza

Handwritten signature of Representative Margaret Anderson Kelliher.

Representative Margaret Anderson Kelliher

Handwritten signature of Representative Karen Clark.

Representative Karen Clark

Handwritten signature of Representative Neva Walker.

Representative Neva Walker

Handwritten signature of Representative Lyndon Carlson.

Representative Lyndon Carlson

Handwritten signature of Representative Frank Hornstein.

Representative Frank Hornstein





Minnesota House of Representatives

ETHICS COMPLAINT AGAINST REPRESENTATIVE ARLON LINDNER FOR VIOLATION OF MINNESOTA HOUSE RULE 6.10

COMPLAINT

The Minnesota State Constitution, Article IV, Section 7, provides that each house may determine the rules of its proceeding and for the punishment of members. The House adopted on January 7, 2003, Temporary Rule 6.10, which provides in relevant part:

A complaint may be brought about conduct by a member that violates a rule or administrative policy of the House, that violates accepted norms of House behavior, that betrays the public trust, or that tends to bring the House into dishonor or disrepute.

On March 7th, 2003 the following remarks were attributed to Representative Lindner as published in the Minneapolis Star Tribune:

Representative Lindner when asked about objections to removing sexual orientation as a classification in the Minnesota Statute, claimed that Nazi persecution of homosexual people was a recent rewriting of history, by stating the following, "I was a child during World War II, and I've read a lot about World War II," he said. "It's just been recently that anyone's come out with this idea that homosexuals were persecuted to this extent. There's been a lot of rewriting of history."

On March 10, 2003, Representative Arlon Linder rose to make a point of personal privilege on the floor of the Minnesota House of Representatives, and made the following statements which violate Rule 6.10:

"It's just been within the recent two or three years that its been brought forward that homosexuals also suffered like that. And whether or not they suffered as a homosexual or as resistant fighters against the Nazis, you know, you don't know and I don't know either. But there's information out there on both sides. I'm still stating it myself, the purpose of my bill that you don't like, it has to do with removing sexual orientation from our Minnesota Statutes. That, that's one place that that expression sexual orientation occurs. As most people know, there's 22 or more orientations that fall into this category. We should have never codified that into law in the first place. It's time to get rid of it."

"Ahh, that's what this is about. It's not about a holocaust. And what I'm trying to prevent is the holocaust of our children getting STDs, AIDS and various other diseases that's going to affect their lives the rest of their lives. If you want to sit around here and wait till America becomes another African continent, well then, you do that...but I'm going to try to do something about it."

On March 11th, 2003, the following remarks were attributed to Representative Lindner as published in the Minneapolis Star Tribune:

In reference to homosexuals being persecuted during the Holocaust, Representative Lindner said, "I'm not convinced that they were persecuted,' suggesting that the main gay participants in the Holocaust were Nazi concentration camp guards. That contention, he added, is laid out in a book called the 'Pink Swastika'..." Through these published statements, Representative Lindner not only denies that Nazi's persecuted individuals based on their sexual orientation, but he strongly implies that homosexual Nazi's were to blame for the Holocaust.

These statements violate accepted norms of House behavior and tends to bring the House into dishonor or disrepute. We are compelled to bring the following two counts to the attention of the House Committee on Ethics:

Count 1

Pursuant to House Rule 9.01, the Rules Committee has established a code of conduct for members, officers and employees of the House. The published statements by Representative Lindner violate Rule 6.10. The rules states in part:

A complaint may be brought about conduct by a member that . . . violates accepted norms of House behavior.

Representative Lindner's derogatory, bigoted and racist remarks about homosexuals and those who claim ancestry from the African continent, and his grossly inaccurate portrayal of the Holocaust and the AIDS epidemic in Africa, clearly violates the accepted norms of House behavior.

This is further verified by the provisions of the House Code of Conduct (Attachment 1) that require a State Representative to treat everyone with respect, fairness and courtesy; and be respectful of the House of Representatives as a fundamental institution of civil government; and to exemplify good citizenship and high personal integrity and by observing the letter and spirit of laws and rules. Despite being informed of the overwhelming and incontrovertible evidence to the contrary, Representative Lindner's grossly inaccurate public statements and opinions about the Holocaust calls into question his ability to exemplify high personal integrity, his ability to practice good citizenship and his willingness to abide by the spirit of our laws, which tend to be inclusive of others, not exclusive.

Count 2

Pursuant to House Rule 9.01, the Rules Committee has established a code of conduct for members, officers and employees of the House. The statements by Representative Lindner violate Rule 6.10. The rule states in part:

A complaint may be brought about conduct by a member that . . . tends to bring the House into dishonor or disrepute.

As evidence of this, members filed a formal protest and dissent as a result of the remarks of Representative Lindner. As further evidence, the National Anti-Defamation League has issued the following statement calling the comments "unacceptable" (Attachment 2):

"While all Jews were victims of the Holocaust not all victims were Jews. That - homosexuals were among the people Hitler targeted is a documented historical fact. To deny that is to revise history and that is unacceptable, especially from one in leadership and public service."

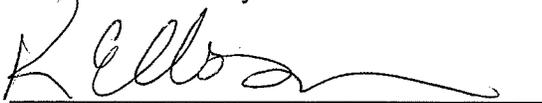
Conclusion and Request for Relief

We, the undersigned, believe that the following two counts require immediate consideration by the House Committee on Ethics. We respectfully request that the Committee find that probable cause exists for the violation of these rules and that the Committee, in open hearing, recommend an appropriate sanction for the violation of our rules.

Submitted with this complaint (as required by Rule 6.10) is a copy of the Transcript from the House Floor Session from March 10, 2003, a copy of the recording log from that day's session, and copies of statements published in the Minneapolis Star Tribune, dated March 7, 2003 and March 11, 2003, and a copy of the National Anti-Defamation League's statement regarding the unacceptable nature of Representative Lindner's comments.

We swear that the statements in this complaint subscribed to us are true, so help us God.

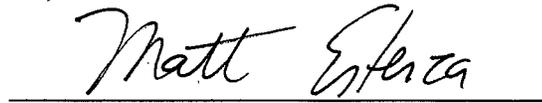
Dated this 11th Day of March 2003.



Representative Keith Ellison



Representative Ron Laiz



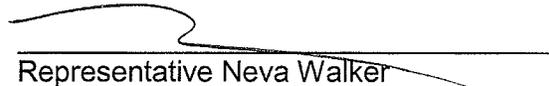
Representative Matt Entenza



Representative Margaret Anderson Kelliher



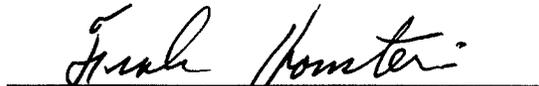
Representative Karen Clark



Representative Neva Walker



Representative Lyndon Carlson



Representative Frank Hornstein



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Code of Conduct

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Code of Conduct
Committee on Rules and Legislative Administration
Code of Conduct - Minnesota House of Representatives,
2001-F, approved 2/8/01

A State Representative shall:

Accept public office as a public trust and endeavor to be worthy of that trust - by respecting the principles of representative democracy, by exemplifying good citizenship and high personal integrity, and by observing the letter and spirit of laws and rules.

Promote the health of democracy - by fostering openness in government, full public understanding of government actions, and public participation in governmental processes.

Treat everyone with respect, fairness, and courtesy.

Exercise sound judgement by deciding issues on their merits.

Be respectful of the House of Representatives as a fundamental institution of civil government.

Use the power and facilities of office only to advance the common good.

Respect and maintain confidential information obtained as a public official.

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Comments: sharon.jarpey@house.leg.state.mn.us

ATTACHMENT #1

1913-2003



OUR 90TH YEAR
MYRNA SHINBAUM
Director, Media Relations

FOR IMMEDIATE RELEASE

Contact: Myrna Shinbaum (212) 885-7747

Statement by Abraham H. Foxman, National Director, Anti-Defamation League

"While all Jews were victims of the Holocaust not all victims were Jews. That homosexuals were among the people Hitler targeted is a documented historical fact. To deny that is to revise history and that is unacceptable, especially from one in leadership and public service."

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.

ATTACHMENT #2

Founded in 1913 "to stop the defamation of the Jewish people...to secure justice and fair treatment to all citizens alike."

Anti-Defamation League of B'nai B'rith, 823 United Nations Plaza, New York, NY 10017

House Floor Transcript
3/10/03

Lindner: It's just been within the recent two or three years that its been brought forward that homosexuals also suffered like that. And whether or not they suffered as a homosexual or as resistant fighters against the Nazis, you know, you don't know and I don't know either. But there's information out there on both sides. I'm still stating it myself, the purpose of my bill that you don't like, it has to do with removing sexual orientation from our Minnesota Statutes. That, that's one place that that expression sexual orientation occurs. As most people know, there's 22 or more orientations that fall into this category. We should have never codified that into law in the first place. It's time to get rid of it. It's causing a lot of problems in our schools, businesses and so forth. Ahh, that's what this is about. It's not about a holocaust. And what I'm trying to prevent is the holocaust of our children getting STDs, AIDS and various other diseases that's going to affect their lives the rest of their lives. If you want to sit around here and wait till America becomes another African continent, well then, you do that...but I'm going to try to do something about it.

Speaker: The member from Hennepin, Representative Ellison.

Ellison: Mr. Speaker, I have to strongly object to that racist comment that was just made by Representative Lindner. Referring to an African continent in such a derogatory length is offensive to everybody in this body. It's offensive to everybody in this state. And that is another cause for Rep. Lindner to have to apologize. I am embarrassed for us today when I think about the evil, bigoted statement that was just expressed, and the way in which it was expressed. It seems like every time that gentleman says something he digs himself into a deeper hole and embarrasses this state even more.

Speaker: The member from Hennepin, Representative Walker.

Walker: Will Mr. Lindn...

Speaker: For purpose to you arise...

Walker: Thank you, Mr. Speaker. I actually have a question for Representative Lindner....personal privilege, we'll do that.

Speaker: State your point of personal privilege, Rep. Walker.

Walker: Actually, no it's not. Actually, it's a point of inquiry. Parliamentary inquiry.

Speaker: State your point of parliamentary inquiry.

Walker: Will Rep. Lindner

Speaker: Parliamentary inquiry is for the front desk.

Walker: Ok, point of personal privilege.

Speaker: State your point of personal privilege, Rep. Walker.

Walker: I actually will take this moment to commend Rep. Ellison for eloquently speaking something that I probably would not have been able to say myself. I, actually, as a third year representative have many things that we will agree upon. There are many things that we will disagree upon. We come from different parts of the state. We represent different constituents. I am a proud African American, representing not only individuals in District 61B, but also African

Americans throughout the state. It is amazing to me how we can have ignorance at all levels of 'isms' talked about in the point of manner by certain representatives without any follow-through, media attention, other representatives, including that caucus, saying that was wrong. I was personally attacked just a couple of minutes ago as an African American. I'm not going anywhere. I do believe that the continent of Africa has not only given this country great riches, but continues to do that. I'm interested in hearing more from your constituents, Representative Linder, because I'm going around actively talking to folks saying, "You know, Representative Lindner might be confused," but I'm not sure his folks in his district are. And so, Keith, thank you for pointing out these racist statements. That, hopefully, in '04, your constituents will do the right thing and ask for your resignation now.

Speaker: The member from Hennepin, Representative Clark.

Karen Clark: Thank you, Mr. Speaker. Rep. Lindner, when you said

Speaker: For what purpose to you arise?

Clark: Oh, personal point of privilege, I'm sorry.

Speaker: State your point of personal privilege.

Clark: And I do want to address the comments that Rep. Lindner made. Rep. Lindner, when you said that it has only been two or three years that it has been known that gays and lesbians were victims of the holocaust, you're displaying a great lack of knowledge. I brought with me today a document that was shared at the press conference earlier today. It says 10 million people were murdered in the Nazis death camps. I will have this made smaller if it will be useful to members of the body here. This is 101 education that I learned more than 30 years ago. But, you know what, I know that not everybody knows it. So I'm happy to share it. I probably know it because I am an open lesbian, and I knew about my brothers and sisters in the millions who were slaughtered in those death camps. This shows the kinds of symbols that all different kinds of minorities at that time who were persecuted, who were hated, who were victims of bigotry, who were forced to wear as the Nazis regime went forward. And I'll just show you, this isn't in color, but you can see, and we all know, that Jews were required to wear yellow stars. Individuals who were accused of having an ideology that conflicted with the Nazi agenda wore a triangle, included those who were considered habitual criminals, and included very minor legal offenses were forced to wear another colored triangle. Anyone not of pure German descent were forced to wear another type of triangle. Any students of religion were required to wear another kind of triangle. Gays, lesbians or anyone accused of having a homosexual thought were required to wear pink triangles. And the individual who testified at the press conference this morning, talked about how she saw people led into the gas chambers who had pink triangles on their clothing. And the last triangle on here is one that is called anti-social. It's a black triangle that included the mentally ill, alcoholic, and the mentally retarded. And I know that lesbians were also a part of those who were required to wear the black triangle. Gypsies, Jehovah's Witnesses, and others were all required to wear certain types of insignias. And, Rep. Lindner, maybe everybody doesn't know all those different symbols. But I have to tell you this is not new historical information. It's not new at all. And I really hope that you will educate yourself. And I'd be glad to be part of that education. I'm trying to keep my heart and mind open to you. I find your comments...my folks taught me, I grew up a religious minority, they taught me that the bigotry and intolerance I was experiencing was due to ignorance. That I should feel sorry for the people that are so ignorant. And so I am going to try to have an attitude of feeling sorry, being charitable. But, I tell you, you try to pass that law, you try to pass that law to protect people from hate crimes, as the woman in the press conference talked, we're going down the road that the Nazis went down. You start choosing one group of people to hate and persecute, and pretty soon, it's your next minority, your next door neighbor. I just encourage us members to ah... I guess I'd just be glad to be a source of information for

people... it's very hard, Mr. Speaker, to hear about the kind of rewriting of history that has been talked about here today.

Speaker: The member from Washington, Rep. Lipman, to what do you arise? State your privilege to the House, Rep. Lipman.

Lipman: Mindful of some of the remarks from the gentleman from Hennepin County were seen as provocative, I guess I would just hope that the privilege of the House, in future, he would stick closer to Sec. 223 of Mason's. Namely, that public accusations of a member, which, if true, would not incapacitate that person from membership are not proper points of personal privilege. Likewise, merely criticizing a member's act in the House, which seems to me we've had a great deal of today, likewise does not constitute a proper point of personal privilege. I understand that tempers are high on this matter, and that the debate has been provocative, but rules are there for a purpose. They're there for all members. They're there for the good functioning of this body. I would urge members to look at Section 223 with regards to their future requests for a time of personal privilege.

Speaker: The member from Ramsey, Rep. Entenza, for what purpose do you arise?

Entenza: Mr. Speaker, to create a point of order pursuant to 2.31. Mr. Speaker, if I may explain.

Speaker: Rep. Entenza.

Entenza: Mr. Speaker, 2.31 is a rule we have about offensive rules in debate. And I raise this so that as a House we may consider this at a future time. Rep. Lindner's intransigence and apparent racism causes me to be forced to raise this issue. His reference to the African American continent is a clear reference apparently to blacks. And as raised by my African American colleagues from Hennepin County, a topic which I fear we will need to revisit after I and my colleagues have had a chance to cool down a bit. In addition, Rep. Lindner, I know that you had indicated in the Tribune that you had studied this issue. I only wish that you were willing to open your heart and studied a little bit more. And go with our Jewish colleagues who had invited you to the Holocaust Museum. I suspect your ignorance, hostility and bigoted words would change very quickly if you saw the carnage that is amply demonstrated there.

Speaker: Rep. Entenza, you read him the entire 2.31?

Entenza: Mr. Speaker, 2.31 in the last sentence, and I will read it to you, says a member must not be held to answer, be subject to censure of the House for the language used in debate unless exception is taken...and, Mr. Speaker, Representative Ellison spoke to that issue and was clearly taking exception to it. As you saw, I rose, as well, to make the point, as did Rep. Walker. And I wanted to make it clear what the intention of this group was. You ...

Speaker: I just wanted to make sure you read the entire 2.31.

Entenza: You know what's clear to me, Mr. Speaker? The coldness in Rep. Lindner's heart. That's clear to me.

Speaker: The member from Rice, Rep. Boudreau, for what purpose do you arise?

Boudreau: Mr. Speaker, personal privilege.

Speaker: State your point of personal privilege.

Boudreau: Thank you, Mr. Speaker. I think the real issue here is the coldness in the heart of the Nazi regime and what they did to people...Jewish people. I don't think anyone here

supports those actions. In fact, they're horrible. If that's the point we're talking about, then let's stick to that point. They were atrocious. People were killed and murdered. And do you know how people were killed and murdered? First, the Nazis outlawed firearms. Then, they took them out of the homes of Jewish people and they couldn't defend themselves. And I think that's an equal point that needs to be made. And if you don't believe that, look at the history book.

Speaker: Rep. Kahn, for what purpose do you arise?

Kahn: Point of personal privilege.

Speaker: State your point of personal privilege, Rep. Kahn.

Kahn: Just a correction, Rep. Boudreau, actually the first law the Nazis passed was the repeal of legalized abortion.

Speaker: Representative Paulsen for what purpose to you rise?

Paulsen: Mr. Speaker, I move that when the House adjourn today, it adjourn until 3:00pm, March 13, 2003.

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Coming out in droves to protest

Sarah T. Williams, Star Tribune

Published March 7, 2003

GLBT07

A vocal floor-to-ceiling crowd filled the State Capitol rotunda Thursday to protest a bill that would remove sexual orientation as a protected class under the state's Human Rights Act.

As many as 1,600 people cheered and hollered as DFL legislators, Minneapolis City Council members, high school students, clergy members, a former Vikings player and polar explorer Ann Bancroft spoke out against the bill.

"Our sled is moving, and we are not going to go back," said Bancroft, a lesbian. "Some of the greatest obstacles I have faced in my life have not been on the ice. They have been people's attitudes -- about what I can or cannot do, and what I should or should not be. This is a political obstacle, and we will clamber over it."

Scott Dibble, DFL-Minneapolis, the only openly gay state senator, told the crowd: "We are up against tough, mean-spirited foes. You [the bill's authors] may try to delete us from the statute books, but you'll never delete us from the neighborhoods . . . the schools . . . the workplaces . . . the hospitals . . . the police forces of this great state. We are here to stay."

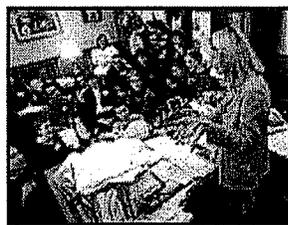
Said former Viking Esera Tuaolo, who disclosed last year that he is gay: "It doesn't take a rocket scientist to know that what they are doing is wrong."

The bill, sponsored by Rep. Arlon Lindner, R-Corcoran, seeks to repeal a 1993 amendment to the state's Human Rights Act that makes it illegal to discriminate on the basis of someone's sexual orientation -- along with race, religion, ethnicity and physical or mental disability. A similar bill has been introduced in the Senate.



Supporters of gay and lesbian rights rallied in the rotunda.

Judy Griesedieck
Star Tribune



The protesters also met with legislators.

Judy Griesedieck
Star Tribune

Supporters of the bill say that the 1993 amendment has conferred "special rights" on gays and lesbians and that it has been used "as a vehicle for intimidation" and has "promoted homosexuality" in the schools. Opponents of the bill say it represents a giant step backward in the state's human rights record.

Gov. Tim Pawlenty's office said Thursday that

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he would not sign the bill. "He [Pawlenty] is extremely supportive of human rights," said spokeswoman Leslie Kupchella. "This [law] is not about gay rights or 'special rights' -- it is about human rights and fairness for all. He does not believe that anyone should be discriminated against for a job or housing simply because they are gay."

Tom Prichard, president of the Minnesota Family Council, which has lobbied in favor of the bill, was unperturbed. "The governor has said in the past he has problems with the law. I would assume he still does."

Pawlenty voted in 1993 to include sexual orientation in the human rights law. But as he sought the Republican gubernatorial endorsement last year, he told Republican activists that he regretted that vote.

The problem with the law, Prichard said, is that it "protects a group of people based on behavior. I think that is a distortion of the intent of protected-class status, which is traditionally the racial groups."

'I don't hate them'

Lindner, a six-term Republican, said in an interview Thursday that complaints from constituents about "homosexuality being promoted in the schools" prompted him to write the bill.

He said that when constituents tried to raise concerns about programs, posters or pamphlets they found sexually explicit or objectionable, they would be told by school administrators that nothing could be done about it because "it's the law."

Lindner said 1 percent of the population should not be "instructing" the other 99 percent on same-sex practices in the schools. He cited a rise in sexually transmitted diseases among young people "because of oral sex" and said, "We shouldn't be promoting this to our kids and calling it 'safe.' I'm just waiting for a lawsuit against the schools, when a kid comes up with a disease and they can trace it back to what they are learning in school."

He also said the law unfairly restricts business owners: "If they don't want a cross-dresser sitting at the front desk, they should have a right not to hire that person. . . . Today, they can be sued."

And he argued with objections to removing sexual orientation as a classification in the law's definition of Holocaust survivors and victims.

"I was a child during World War II, and I've read a lot about World War II," he said. "It's just been recently that anyone's come out with this idea that homosexuals were persecuted to this extent. There's been a lot of rewriting of history."

'Wrong message'

Throughout the day, the 1,500 to 1,600 gay-rights supporters, a number estimated by State Capitol security officials, also met with their senators and representatives to make a case against the bill or seek other support. They were young and old, gay and straight.

In a meeting with Rep. Jim Davnie, DFL-Minneapolis, Joyce Momont, 78, of south Minneapolis, spoke of her fears for her son.

"Our son came out to us in 1976, 17 years before the 1993 bill was passed," she said. "As the mother of a gay son, you can only imagine those years of worry and concern about his safety . . . the number of times he would come home and say that somebody had assaulted him. So 1993 was a big year for us. We just can't go backwards."

Davnies told the group of about six visitors to "ratchet up the clamor" on the bill, House File 341.

"People should be hired based on their qualifications for the job, and fired based on their performance," he said. "They should be rented apartments or sold houses based on their ability to make the monthly mortgage or rent. They should be judged in their community by what sort of neighbor they are. . . . When legislation like HF 341 comes forward, it sends the wrong message."

'Not mean-spirited'

Meanwhile, in the offices of House Speaker Steve Sviggum, R-Kenyon, constituents were making a plea to restore benefits for same-sex domestic partners of state employees.

Sviggum, by working to restore sick and bereavement leave to the labor contract, said he had been "hit by both sides" on the issue and had struck a middle ground.

He chided DFLers, accusing them of "a little bit of hypocrisy" for not "offering an amendment or a bill to bring their words forth in action on same-sex benefits."

And he said he does not support HF 341 "as it is written." But he vigorously defended his House colleague.

"I know Arlon Lindner, and I can guarantee you he is not mean-spirited. I think there should be no discrimination in the workforce or in housing because of race, gender or sexual orientation. Where Arlon is coming from, is [his objection] to the teaching of gay and lesbian lifestyles in the schools."

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Lawmaker condemned by Holocaust survivor now accused of racism

Conrad deFiebre, Star Tribune

Published March 11, 2003

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Rep. Arlon Lindner, already facing severe criticism over his statements about gays and lesbians and the Nazi Holocaust, was accused of racism on the House floor Monday after saying his bill to strip gays and lesbians of state human rights protections would save America from becoming "another African continent."

The House's only two black members immediately lashed out at Lindner, R-Corcoran, sparking a tense floor debate between Republicans and DFLers that veered into discussions about abortion and handgun rights in Nazi Germany.

Even Gov. Tim Pawlenty weighed in late Monday, describing Lindner's comments about the Holocaust as "troubling."

Earlier Monday, the outspoken Lindner was hit with the fourth official protest filed against him by fellow legislators in four years, a House record. It was prompted by his published remarks last week that Nazi persecution of gays and lesbians is a new idea spawned by "a lot of rewriting of history."

The previous complaints against him involved alleged misconduct while chairing a committee meeting, equating a Jewish House member's views with those of the "irreligious left" and describing Buddhism as a "cult." But the House has never officially censured him.

"It seems like every time this gentleman says something, he digs himself a deeper hole and embarrasses this state more," Rep. Keith Ellison, DFL-Minneapolis.

Rep. Neva Walker, DFL-Minneapolis, the other black House member, said she considered Lindner's statement "a slap of racism directed towards me and Keith."

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Lindner said he was only parrying DFL attacks on his bill to quash gay rights when he said: "What I'm trying to prevent is the Holocaust of our children [from AIDS and other sexually transmitted diseases]. If you want to sit around and wait until America becomes another African continent, you do that, but I'm going to do something."

Later, he said: "I don't believe that's a racist statement. That's a statement of fact." He also said he had no idea that his black colleagues would be offended. "I don't think of them as black people," he said. "I just think of them as people."

Partisan debate

Fellow Republicans leapt to Lindner's defense. Rep. Dennis Ozment, R-Rosemount, said he supports Lindner's right to free speech. Rep. Eric Lipman, R-Lake Elmo, one of seven Jewish House members, scolded DFLers for stretching parliamentary rules to attack Lindner.

Three Jewish DFLers, Reps. Phyllis Kahn and Frank Hornstein of Minneapolis and Ron Latz of St. Louis Park, also waded into the debate. Latz accused Lindner of "perhaps a willful failure to know history." Hornstein, whose grandparents were killed in the Holocaust, called Lindner's views "deeply offensive to millions of Americans whose relatives suffered during the Third Reich."

And when Rep. Lynda Boudreau, R-Faribault, noted that the Nazis exterminated Jews after outlawing possession of firearms, Kahn replied: "The *first* thing the Nazis passed was repeal of legalized abortion."

Another Jewish legislator, Rep. Jim Rhodes, R-St. Louis Park, said: "What bothers me more than anything is it's getting political. That doesn't help anybody. We have to move on. In the end, we are all God's children."

But Ellison said that, for him, it had nothing to do with politics. "I had an emotional reaction, not a political reaction," he said. And he accused Republicans of a "lack of moral courage" while maintaining "amazing party discipline."

After the House adjourned, Ellison said, several GOP legislators privately apologized to him for Lindner's remarks.

Rep. Ron Abrams, R-Minnetonka, who is Jewish, did not speak during the debate. But in an interview later, he said of Lindner: "What he said was just plain wrong. His statements are indefensible. I don't think he has a dark heart, but he's terribly misinformed."

Won't step down

House Minority Leader Matt Entenza, DFL-St. Paul, earlier had called

on Lindner to resign as chairman of the House Economic Development and Tourism Division because of his Holocaust comments.

"Holocaust revisionism is one of the basest forms of historical perfidy," Entenza said. He also described Lindner as an "unrepentant member of the Flat Earth Society."

Lindner declined to step down. House Speaker Steve Sviggum, R-Kenyon, said he wouldn't force him out, although he called many of Lindner's statements "inappropriate."

If he did so, Sviggum added, he would have had to censure Rep. Tom Rukavina, DFL-Virginia, for referring recently to Republican State Auditor Pat Awada as "Osama bin Awada."

"I won't remove Arlon for using wrong words," Sviggum said. "Arlon is not a mean-spirited person at all. But it almost seems every time Arlon says something, it gets worse for him."

Pawlenty issued a written statement Monday evening from Bemidji, where he was conducting a public forum on his plan for tax-free economic development zones.

"Since the liberation of Nazi concentration camps more than a half century ago, the atrocious scope of the Holocaust remains one of history's most vivid personifications of human evil," the Republican governor said. "I oppose any efforts to rewrite history to exclude homosexuals or any other minority group that suffered as victims of the Holocaust."

Before the House debate, Lindner, a transplanted Texan who has a Baptist seminary degree, spent much of the day defending his views.

"I'm not convinced that they were persecuted," he said, suggesting that the main gay participants in the Holocaust were Nazi concentration camp guards. That contention, he added, is laid out in a book called "The Pink Swastika," which he hasn't read but is trying to lay his hands on.

-- Staff Writer Dane Smith contributed to this report.

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HOUSE FLOOR SESSION

Tape # 1
 Side # A
 Page # 1

SESSION: 83rd

DAY: 23rd

DATE: Monday 07/10/05

Time	Revolutions	Log
0001		House comes to order
0010		Prayer by the chaplain Rev. Wagen
0311		Pledge of allegiance
0700		Clerk takes the roll
0700		Clerk will read journal of the preceding day
0800		Pill moves that further reading of the journal be suspended
0640		Rep Magnus point of personal privilege
0600		Rep Finseth point of personal privilege
0943		Rep Clark " "
1000		Speaker " "
1070		Comparison Reports
1050		Reports on standing committees
1100		2 ND reading House files
1136		2 ND reading Senate files
1150		Introduction of House Files 774-825
1151		Memorials from the services
1225		1 ST reading Senate files
1250		Consent calendar H.F. 252
1264		Rep Finstad explains bill
1335		Clerk gives H.F. 252 3 RD reading
1350		Clerk takes roll
1400		Bill is passed & title agreed to (1226 yes 0 nri)
1430		H.F. 536 #2 on consent calendar
1455		Rep Simpson explains H.F. 536
1440		Clerk gives 536 3 RD reading
1512		Rep Goodwin question
1536		Clerk takes roll
1553		Bill is passed & its title agreed to
1546		Report from Rules & Legislative Admin.
1650		Calendar for day H.F. 450
1670		Rep Knobloch explains bill

