

Grave by grave, group restores forgotten lives

By CYNTHIA BOYD

In death as in life, a name symbolizes a human being. Yet at least 8,700 persons who lived and died in Minnesota state hospitals still lie in unnamed graves.

In life, their days were marked by mental illness, developmental disabilities, tuberculosis, alcoholism, epilepsy. In death, their graves are marked by numbers scratched on metal tags or chiseled on tops of concrete cylinders about the size of a coffee can.

"It almost inhumanizes them. Every human being deserves to be recognized. We're all children of God," said 22-year-old Heather Karsikas, who came to the cemetery at the old Hastings state hospital on a recent autumn day to honor the dead. Her great-grandfather, Jacob Karsikas, was one of those unknowns for way too long, buried there in 1921 with a valley view but no gravestone.

But attitudes have changed since 1866 – when the first state hospital opened – and into the 20th century, when the seriously disabled or ill were quietly sent away to state institutions and saddened families were urged to go on with their lives. When they died, those who were stigmatized and hidden in life became anonymous in death, buried in nameless graves at 19 cemeteries across the state. Only recently are their stories coming to light.



By Steve Date

For 13 years, a coalition of advocacy groups has been working to bring dignity to the lives and deaths of the anonymous former residents of Minnesota's state hospitals and institutions. With public and private funds, they have replaced more than 4,000 unmarked graves with personal stones.

INSIDE Campaign is a group effort and a labor of love, **page 4**.

More at MinnPost.com

Video: Advocacy group has a ceremony at Hastings cemetery.

INSIDE

DFL debt

The party needs a \$5,000 contribution just to meet this week's payroll. Competition among political campaigns, internal party disillusionment and extra staffing are complicating budgeting. State Republicans, meanwhile, have off-year fundraising troubles, too. **page 6**

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MINNPOST.WORLD

West plays a role in Pakistan's democratic decline

By SUSAN ALBRIGHT

Since President Pervez Musharraf suspended Pakistan's constitution last weekend, much of the reporting in the U.S. press has focused on potential changes in American aid policy and possible negative effects on the war on terror. An unspoken assumption seems to be that instability over religious extremism contributed (or led) to Musharraf's actions, and that the struggle against Al-Qaida and the Taliban would be weakened if he falters.

Many political analysts and Pakistani writers, however, are not only seeing wholly different reasons for the emergency-law dictum, but perceive very different dynamics regarding religious extremism; some have concluded that U.S. support for Musharraf has exacerbated it – and that the emergency declaration itself will cause further Taliban gains.

Kaiser Bengali, in the Pakistani newspaper Dawn, argued that the United States and the West actually helped create conditions for the rise of fundamentalist extremism long before Musharraf: "After supporting military regimes for almost a quarter of a century in order to achieve short-term goals and, by consequence, allowing civil institutions to decay, the West appears to have woken up to the dire state of affairs and the implications for regional and global security. There seems to be some realization that the absence of democratic space has enabled religious extremist forces to mobilize and gain ascendancy."

Ahmed Rashid, in the Washington Post, wrote that "the spread of anti-Western feelings and the rise of Islamic fundamentalism have been fostered by a U.S. policy that has sought to prop up Musharraf rather than forcing him to seek political consensus and empower a representative civilian government that would have public support for attacking the extremists." Moreover, he thinks the declaration of emergency rule "will only encourage further civil strife, nationwide protests and greater territorial gains by the extremist Pakistani Taliban."

Rashid also concluded that "Musharraf's



By Faisal Mahmood, Reuters

A civil rights activist shouts slogans against emergency rule during a protest in Islamabad this week. President Pervez Musharraf's move to suspend Pakistan's constitution is prompting questions about whether U.S. policy has unintentionally encouraged religious extremism in that nation.

chief aim had little to do with terrorism." It was "to 'cleanse' the Supreme Court. ... The court, which had become a major irritant for the regime, had been due to rule on whether Musharraf could remain president for another five-year term." This view is also articulated by analyst Jayshree Bajoria at the Council on Foreign Relations. Musharraf's illegitimacy was stressed by I.A. Rehman, whose initial reaction in Pakistan's Dawn newspaper was picked up by the Guardian in London and who was arrested Sunday. "Emergency is a euphemism for a complete break with the constitution," he wrote. "To say that the regime's crisis of legitimacy has been aggravated is an understatement. Pakistan may well have been pushed into a blind alley and its capacity to come out unscathed is seriously in doubt."

The importance of a return to legitimacy seems to have impressed two leaders whose initial reactions were widely seen as un-

derstated. First, opposition leader Benazir Bhutto called for a rally Friday in Rawalpindi and threatened to lead "a long march" from Lahore to Islamabad Nov. 13 if Musharraf doesn't restore constitutional rule and quit the army. Then President Bush stepped up his rhetoric, saying Wednesday that he told Musharraf he should take off his uniform and "have elections soon." Of the United States and its role on Pakistan, Stephen P. Cohen of the Brookings Institution wrote, "... above all it needs to ask how its short term goals (the destruction of the Al-Qaida element residing in the FATA (Federally Administered Tribal Areas) can be reconciled with the long term goal – now perhaps out of reach – of a stable, if not wholly democratic, Pakistan."

Susan Albright, former editorial page editor of the Star Tribune, writes on national issues and foreign affairs.

"After supporting military regimes for almost a quarter of a century in order to achieve short-term goals and, by consequence, allowing civil institutions to decay, the West appears to have woken up to the dire state of affairs and the implications for regional and global security."

– Kaiser Bengali, in the Pakistani newspaper Dawn

Some transportation advice – from Utah?



STEVE BERG

The fallen I-35W bridge may serve best as a metaphor in motion. Its splashdown resembles perfectly the descending condition of our metropolitan transportation policy. Last week came another reminder of just how far into the abyss we've fallen. The CEO of Salt Lake City's Chamber of Commerce arrived to instruct us on the art of investing in a serious transit system. Take a deep breath. Utah is now telling Minnesota about the value of raising taxes for the benefit of the common good. Utah, which likes to think of itself as the nation's most conservative state, sent a missionary to try to convert Minnesota's reluctant business community to the radical idea of taking the long view.

"We fight with Idaho over which state gets to be the most conservative," Lane Beattie told his audience at a downtown Minneapolis hotel. Utahans are big on property rights and limited government, Beattie said. At the prospect of mass transit, well, "letting go of your car was only a little less frightening than letting go of your gun," he joked, admitting that he, too, "came late" to the notion of transit's importance to economic growth, as did many Republicans.

The subtext to all of this was, of course, the Minnesota Chamber of Commerce's reluctance to support expansion of the Twin Cities transit system by using the mechanism that nearly all cities have used, and many chambers around the country have embraced: the sales tax.

Republican is the default party in Utah. Republicans outnumber Democrats 4 to 1 in the Legislature. The governor is a Republican. Four of the state's five members of Congress are Republicans. Beattie himself was once named "National Republican of the Year." You can't get more Republican than the Utah business community, he said.

And yet, it was the Salt Lake Chamber that spearheaded last year's successful drive to add four light rail lines to Salt Lake City's existing two, and to open a new commuter rail corridor, paid for by hiking the regional sales tax a quarter-cent to raise \$2.5 billion over 10 years. All this, despite the fact that Salt Lake City's traffic isn't nearly as bad as the Twin Cities.'

The Utah approach doesn't sound like something a truly conservative business community should follow, someone suggested. Isn't business supposed to oppose all taxes all the time?

Beattie seemed amused by the observation. There was an obvious need to act sooner rather than later, he said, before auto

congestion got completely out of hand, before air pollution further damaged Utah's public health and its tourist economy. He mentioned the rising price of gasoline and the soaring cost of construction. Given those realities, he said it seemed prudent to offer an alternative to driving as quickly as possible. "If you get behind, it hurts you economically," he said. "We looked at the problem ... and applied business principles." The campaign's theme was essentially; "We can fix it now or fix it later," he said, and fixing it now made more sense.

Wow. Beattie had turned the topic of raising transit taxes into a pre-emptive strike against the enemy – which, in this case, was auto congestion, pollution and the worry that business would suffer if something weren't done quickly, even if it cost some money up front. That's essentially the Bush-Cheney foreign policy approach applied to a local problem.

The subtext to all of this was, of course, the Minnesota Chamber of Commerce's reluctance to support expansion of the Twin

Cities transit system by using the mechanism that nearly all cities have used, and many chambers around the country have embraced: the sales tax. Beattie's trip was sponsored by transit advocates hoping to make that very point.

Erin Sexton, the Minnesota Chamber's transportation specialist, was the highest-ranking chamber official present. She said that Minnesota's business community did show leadership in last year's successful drive to shift new car sales tax money to transportation. She also acknowledged that more money is needed. "We have to figure out what works for our membership, and we haven't come to a conclusion about how to proceed," she said. "But we're not sitting on our hands."

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A comparison of traffic in the Twin Cities and in Salt Lake City.

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Grave by grave, group restores forgotten lives

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Since 1994, Remembering With Dignity – a project of the St. Paul-based Advocating Change Together (ACT) and other disability rights and advocacy groups – has been working to place granite stones with name, birth and death dates on every grave in state institution cemeteries from Hastings to Willmar, from St. Peter to Rochester.

A labor of love

It's a laborious process. Staff and volunteers page through old state ledgers and records, matching grave site numbers to names and then names to death records, doing their best to decipher faded ink and illegible handwriting and catch errors in spelling and dates. Initially, there were more than 12,700 graves without names.

In Minnesota, Remembering With Dignity lobbied the Legislature to add public funds to private donations. Since 1997, \$750,000 in state funds have been spent on the campaign. The Legislature appropriated \$200,000 more this year. About 4,000 graves have been marked so far.

"It's a travesty – what happened in the past," Republican Rep. Denny McNamara, of Hastings, told a crowd of about 60 gathered at the Hastings burial grounds last month to celebrate the placing of 525 grave stones. "That's the kind of thing the state should do," he said "The state did a very wrong thing decades ago, but we're trying to fix it."

Additionally, the project has had a ripple effect. It has been "used to start a conversation about the state hospitals as institutions and about the horrors of these settings," said Jim Fassett-Carman, project manager for Remembering With Dignity. Those times are a chapter in history the group does not want forgotten or repeated, he said.

Generations ago, "The state



By Steve Date

Flowers decorate more than 500 grave stones at a Hastings cemetery.

system was to tell people institutionalization was the best option," Fassett-Carman said.

Gudrun's story

Take the story of little Gudrun Rafnson. She was a sickly child, third in her family, and born with serious disabilities in 1904 to a farm family barely making ends meet, says Lorna Rafness a retired postmaster, who searched out her great-aunt's story while doing a family history.

"She was never able to walk or talk. She was like a helpless infant. They used the word imbecile then, though not in a mean way," said Rafness, who lives in Mankato.

Years passed with the family of Icelandic descent eking out a living, she said, until the sixth child came along. That's when the local doctor came to the family's Minneota farm to urge the parents to send Gudrun to the School for the Feeble Minded in Faribault.

"The daughter has to go, or you're going to lose the mother," the doctor told the father, or so family memory plays out, Rafness said. Physical demands of farm work, child care, housekeeping and caring for a disabled child would be too great for the child's mother, he said.

Rafness said her grandmother

let authorities take her daughter to the institution, but the decision took its toll: For 20 years, whether because of grief or shame, she wouldn't go to town.

Gudrun died in 1916 at nearly 12 years old after a lifetime of chronic ear infections and a condition where her body could not absorb food.

Rafness says it comforts her that in death, at least, her great-aunt is remembered. Remembering With Dignity placed a stone on her grave in the West Cemetery of the old Faribault facility.

"It was out of compassion" that Minnesota created the state hospital system, intending to provide quality care, said Michael Tessneer, head of the State Operated Services Division of the Minnesota Department of Human Services. In those times, providing home care for the seriously ill or disabled was untenable and unaffordable for most families.

The old names reflect the attitudes of the times: St. Peter Asylum for the Insane, Faribault School for Imbeciles, Cambridge State School and Hospital for Feeble-Minded and Epileptics.

"We look at those (names) today and we're shocked anybody would talk that way, but it was accepted" then, said Tessneer. Later they would be renamed state hospitals and regional treat-

ment centers.

Over the decades, conditions changed in the state hospitals. There were legal challenges to the institutional system because of overcrowding, lack of treatment and under-staffing. In 1974, the U.S. District Court decision in *Welsch vs. Likins* was a catalyst in moving residents from state facilities located on multi-acre campuses to smaller, community-based housing and care, a transition called "de-institutionalizing."

Cemetery ceremonies

Three ceremonies have been held this summer and fall to mark the naming of graves at cemeteries in St. Peter, Rochester and Hastings.

In Hastings last month, a bagpiper played "Amazing Grace" at an event celebrating 526 lives and the grave stones laid there this year.

"This is a very special event to honor our sisters and brothers," said Melvin Haagenson, a member of Advocating Change Together and Remembering With Dignity.

Read the complete story online: www.minnpost.com.

Cynthia Boyd, a former reporter and columnist for the Pioneer Press, writes on education, health, social issues and other topics. She can be reached at cboyd@minnpost.com.

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Video: A Chisago Lakes woman tells her story of years in state institutions.

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Web links: A history of the disabilities movement and Remembering With Dignity.

The sky's the limit

The planetarium's plan is clear, but its future is up in the air



SHARON SCHMICKLE

The vision for the Minnesota Planetarium and Space Discovery Center is as bright as ever.

But the down-to-earth reality is that the Planetarium's backers are struggling to clear yet another hurdle in their rugged path to replacing the old planetarium, which closed in 2002.

For the vision piece, I asked Lawrence Rudnick, the distinguished University of Minnesota astronomy professor who has pushed for nearly a decade to create a first-class venue for Minnesotans to study and enjoy astronomy and space. If his enthusiasm could be harnessed, it alone might power virtual trips into space, launched from the computerized interactive Sky Theater that is planned for the Planetarium.

"We will take people on journeys, to places where stars are born, stars are dying," said Rudnick, who is a founding board member of the Minnesota Planetarium Society. "We could turn back to look at the Earth with all of the tools of our modern technology. ... to help us see surface conditions – for example, to track El Nino currents as they move through the ocean, to look at rainfall patterns. The possibilities for what you can do in that theater are just endless."

But a new roadblock came with the decision to merge the Minneapolis and Hennepin County library systems. The Planetarium was to be built on two floors topping the new central library in downtown Minneapolis. The city would have owned it under a deal the Legislature approved when it granted \$22 million in bonding authority for the project three years ago.

Now, more recent legislation enabling the library merger would transfer the ownership

"The county has been tied up with many other issues before they get to us: the library merger, the ball park, bridges, and so on. So we are waiting our turn."

– Frank Parisi, Planetarium's interim executive director

to Hennepin County, said Frank Parisi, the Planetarium's interim executive director.

Courting a new partner is daunting under any circumstances. In this case the challenge is complicated by the fact that the Planetarium will need some subsidy, as do most similar museums. A business plan completed this year by Lord Cultural Resources of Toronto predicts the revenues from admissions, memberships and other sources will fall nearly \$1 million short of what the Planetarium will need to operate.

County officials haven't been hostile to that prospect. The project just hasn't been on their radar screens. (Would telescope views be a more apt metaphor in this case?) The Planetarium had been a top priority for the city; the county has a long line of other projects seeking support.

"The county has been tied up with many other issues before they get to us: the library merger, the ball park, bridges, and so on," Parisi said. "So we are waiting our turn."

County commissioners have been briefed on the project, but are not ready to decide the



The proposed Minnesota Planetarium and Space Discovery Center.

matter, said Amy Ryan, the Hennepin County Library Director.

Meanwhile, the Planetarium is in a near holding pattern for its drive to raise some \$20 million from private sources.

It isn't that Minnesota lacks interest in astronomy and space discovery. Thousands of school kids and teachers joined the lobbying campaign to convince state officials to grant the bonding authority. The old planetarium drew 70,000 visitors a year, and the new facility would offer more and better experiences.

Indeed, corporate donors are enthusiastically supporting a travelling portable dome the Planetarium Society operates, enabling students to engage in virtual space experiences that are based on the state science standards, Parisi said.

Taking the dome's success as a beacon, the planners are pushing ahead even while they worry.

"I will be nervous until the day we cut the ribbon," Rudnick said. "But that's just part of a big project like this. Anything ambitious and anything worth doing comes with risks."

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Right now the D in DFL stands for debt

By DOUG GROW

The DFL, which always has presented itself as the political party of the little guy, should have more empathy than ever for all of those Minnesotans living check to check.

A year before a huge election, the party is in debt. Meeting its own payroll has become a week-to-week, white-knuckle ride. One of its big fundraising events of the year lost \$48,000. And to complicate matters, a major union, the American Federation of State, County and Municipal Employees (AFSCME), is on the verge of leaving an important



Brian Melendez

DFL campaign committee.

Brian Melendez, the unpaid chairman of the Democratic-Farmer-Labor Party, tries to

put a coat of calm over the problems. Business as usual in a non-election year, he says.

Fundraising competition from the presidential and Senate races, disillusionment among some party faithful and the increasing size of the state party staff all have contributed to the red ink. The DFL, though, is not alone in its budget problems. The state's Republican Party has financial issues of its own.

DFL memo battles rumors

A Sept. 12 memo from Melendez to the party's executive committee wasn't exactly a ho-hum document.

"How bad is it? Not nearly as bad as the rumor mill suggests," Melendez wrote. "The Party's financial situation is cause for concern but not for alarm. We have never missed a payroll, and we aren't likely to. The Headquarters building isn't in jeopardy. The sky isn't falling. But we have fallen behind on payments to vendors."

The sky may not be falling, but forgive DFL party officials an occasional glance to the heavens.

In the memo, Melendez wrote

"How bad is it? Not nearly as bad as the rumor mill suggests. The Party's financial situation is cause for concern but not for alarm."

— Brian Melendez, unpaid chairman of the Democratic-Farmer-Labor Party in a September memo to the party's executive committee

that the party, which operates on a budget of about \$1.5 million, had raised only half of its budgeted income for the year. The situation was so dire that Melendez, who is in his second two-year term as the party leader, heard rumors that some party activists believed he should step down. He has been unable to put a face on those rumors.

"I looked in every nook and cranny of the party trying to find out if that's what people thought," Melendez said in an interview Monday. "I couldn't find anyone who thought I should. At least, they weren't saying it to my face. I went to each of the congressional district chairs and said, 'If you think I'm driving us over a cliff, I'll step down.' They gave me a unanimous vote of confidence."

Melendez seems confident all will be well in time for next year's campaigns. The party has made substantial progress, he said, since that September memo, cutting its debt from \$160,000 to \$60,000.

"I was hoping we'd be out of debt by Thanksgiving," said Melendez, a partner with the Faegre & Benson law firm in Minneapolis.

"We're not going to make that. But we will make it by the first of the year. Starting in January, the money will come rolling in."

Perhaps. But for now, it remains white-knuckle time. On Monday, Melendez said that the party would have to receive \$5,000 in donations so that it could meet Friday's payroll. And several businesses still are waiting to get paid for services provided as much as a year ago.

St. Paul's RiverCentre, the Crowne Plaza Hotel in St. Paul and several printing companies all are owed money by the party, which scored such big victories a year ago.

But the sweet taste of victory didn't linger long among DFLers.

Melendez said that small donors — the \$20 contributors — quickly lost enthusiasm for the gains the DFL made in both congressional and legislative seats last November.

"There's anger toward the party," said Melendez. "Sometimes it's logical, sometimes it's not. Many of the small donors are frustrated with the Congress and with the state Legislature. The frustration with the Congress is over the war in Iraq. The frustration with the Legislature is over the sense that Tim Pawlenty still is getting whatever he wants. There are people saying, 'We won in 2006 — why haven't you changed the world yet?'"

Other factors are adding to the financial struggles of the party, he said. A year ago, the party spent everything it had on the elections. That spending was worthwhile, said Melendez. But soon after the wins of November, presidential candidates started soliciting funds from Minnesotans.

"The presidential race started so early it's sucking air out of the room," Melendez said.

Additionally, the Melendez-led party has kept four field workers on staff through the off-year, at a cost of \$175,000. In the past, Melendez said, those field workers were only hired in election years.

The decision to keep those workers was inspired by the national Democratic Party headquarters, now headed by Howard Dean. The national party said it would pay for four field workers, if the state party would pony-up half.

Tough start to year

Right from the start of the year, Melendez knew this wouldn't be a fundraising stroll. The party scheduled a big fundraiser for January at the St. Paul RiverCentre.

This event was going to celebrate the triumphs of Election

More at MinnPost.com

- A copy of the DFL memo.
- Republican Party deals with allegations by former finance director.

Day 2006.

There was a band and food. All that was missing were donors. Five hundred people showed up, but many of those entered the celebration for free. And big institutional donors were no-shows.

"It seemed like a good idea at the time," said Melendez of the party.

The fundraiser turned out to be a \$48,000 fund loser.

GOP struggling, too

Indeed, the state's Republican Party has been dealing with some nasty allegations made by its former finance director, Dwight Tostenson, that the party was using money that should have gone directly into retirement accounts of party employees to cover the costs of party expenses. In a February memo to the Republican Party executive committee, Tostenson said that when he complained of several questionable financial dealings, he was harassed to the point that he left his position.

In July, Citizens for Responsibility and Ethics, a Washington-based nonprofit, filed a complaint with the Federal Election Commission accusing the state's Republican Party of violating federal regulations. The FEC investigation is ongoing, and the party is trying to blame the whole mess on DFL Senate candidate Al Franken.

Read the complete story online: www.minnpost.com.

Doug Grow, former columnist for the Star Tribune, can be reached at dgrow@minnpost.com.

Librarians pinpoint bandit in mystery of missing patterns



AMY GOETZMAN

Overheard at a knitters gathering in Minneapolis: “The library catalog said the books were checked in, but they were not on the shelf. And I know how to use the Dewey Decimal system! Maybe the librarians are hiding them.”

Confessions of a knitting librarian: “Well, actually, we were.”

At some Hennepin County library locations, you’ll have to talk to a librarian to get your hands on the latest knitting books. Why are they holding these tomes hostage when knitting is enjoying such a rebirth of cool?

Apparently the pattern books need protection from a wool-minded slasher.

Last fall, librarians at the St. Louis Park, Ridgedale and Golden Valley branches noticed dozens of knitting books coming back with pages missing. One of the St. Louis Park librarians also worked at the Burnhaven library in Dakota County, and observed the same phenomenon at that library system. An estimated 90 books were vandalized, and an investigation was launched.

Vandals and fools should never underestimate the intelligence of people who work surrounded by books, and it wasn’t long before librarians tracked down “an older gentleman”

who was checking out massive numbers of knitting books and magazines from a far-flung array of libraries. He was often the first patron to check out a brand-new volume, making it easy to eliminate other suspects.

Once the avenging librarians pinpointed their suspect, they wielded their most shaming weapon: a massive load of library fines. The Dakota and Hennepin systems each levied approximately \$400 in fines against the man and his wife, and banned the couple from the library for a year.

And that’s when the stranger side of human nature presented itself. The man first denied the charges, blaming other patrons. Then he blamed librarians for the damaged brand-new books. And then he blamed his wife. He finally petitioned Hennepin County library commissioner Gail Dorfman for mercy.

“Oh, they felt very wronged,” said Dorfman. “I worked with them, because they are regular users of the library and longstanding good citizens. We removed the fines (Dakota County did not), and perhaps the mystery of the knitting needle caper has been solved. It hasn’t happened again.

“This was the biggest issue that we had, before the library merger,” said Dorfman, laughing. “In this business of public service, things come up that you couldn’t anticipate

“**Most knitters are refined, gentle people who wouldn’t do anything like this.**”

– Roseanne Byrne, Dakota County libraries deputy director

in your wildest dreams.”

Vandalism of library material isn’t uncommon, but when someone has a special interest, it catches the attention of librarians. “A few years ago, a person hit all the MELSA (Metropolitan Library Service Agency) libraries, and stole a huge number of materials,” said Roseanne Bryne, deputy director of the Dakota County libraries. “He was particularly interested in fish and aquariums. Librarians noticed the theme, and they began comparing notes with other libraries. The authorities raided his home, and found boxes and boxes of materials.”

Byrne says “99 percent” of patrons use the library responsibly. “People do love and appreciate their libraries, and this is extremely rare behavior. And most knitters are refined, gentle people who wouldn’t do anything like this.”

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COMMUNITY VOICES

A message to Sen. Amy Klobuchar from a disaffected Democrat

By MYLES SPICER

As a disaffected Minnesota Democrat, I feel the strong need to take our new senator, Amy Klobuchar, to task for an incredibly disappointing vote: her recent vote on the renewal of FISA – the Foreign Intelligence Surveillance Act.

How and why a purported liberal senator could vote for this outrageous abrogation of power to a disgraced, untrustworthy former attorney general, a president whose history shows spying on Americans is OK and an administration that frequently demonstrated a lack of ethics is way beyond me!

FISA was enacted in 1978. At that time, various congressional committees uncovered serious and dangerous civil rights abuses by the FBI, CIA and other government agencies. Many lives and reputations were callously damaged. A Special Court was created at that time to regulate spying requests. And it has worked for several decades (and been upgraded frequently) without compromising our nation's security, and even more importantly, protecting the rights and privacy of American citizens. Rights and privacy clearly and specifically protected by our great Constitution.

Now comes Amy Klobuchar, who joins only 15 other weak-kneed Democrats to revise this vital protection, and give Bush the

power to spy on international telephone calls and emails of Americans (that's you and I, folks) in a manner that dangerously intrudes on our privacy. In simple terms, that involves the ability to eavesdrop without warrants under loosely defined rules and limits.

Worse yet, Bush has in the past admitted breaking FISA rules and has acted irresponsibly in the observance of civil rights; prompting ongoing concern to virtually all civil liberties groups who monitor these activities. Why Klobuchar and the other 15 Democrats voted for this FISA abomination will be described later; but for now, their only explanation is that there is a "sunset" rule on this vote, which requires another approval in six months.

That is little comfort to me, and others, who have seen the Bush Administration abuse rules, rights and laws consistently in the past. Witness the current flap with Bush trying to gain retroactive immunity for the telecom companies that did the spying. Beyond that, we can be sure that Bush will employ the same fear-mongering for renewal, which got the revisions passed this time, by suggesting that "Democrats who vote against this spying activity are soft on terrorism."

Indeed, we do live in dangerous times; the threats are real. But it is in times like these that protection

of the Constitution and rule of law needs greatest protection. Noting Ben Franklin's oft-quoted admonishment: "Those who give up liberty for short-term security end up with neither liberty nor security."

My greatest hope is that Klobuchar will use greater care and thought about the ramifications of her previous vote when this issue comes up in a few months.

On a positive note, two critical court decisions were handed down recently on the FISA renewal. A federal judge in New York struck down the amended Patriot Act's National Security Letter provision. The law has permitted the FBI to demand private information about people within the United States without court approval. It also allowed the government to gag those who receive NSLs from discussing these letters with anyone.

U.S. District Court Judge Victor Marrero found this gag power unconstitutional and, because the statute that authorized it prevented courts from engaging in meaningful judicial review of the gags, it

violated the First Amendment and the principle of separation of powers. Furthermore, because the gag provisions could not be separated from the entire amended statute, the court struck down the statute in its entirety.

In a second legal victory, a federal judge in Washington, D.C., rejected the government's broad claims of secrecy that the government made when it refused to comply with a Freedom of Information Act lawsuit that demanded the release of documents involving the National Security Agency's warrantless wiretapping program. This ruling strikes a blow to the administration's sweeping and often unfounded secrecy claims.

Which brings me to my assumed reason for her vote: fear.

Read the complete article online: www.minnpost.com.

Myles Spicer of Minnetonka has spent his entire business career as a professional writer and owned several successful ad agencies over the past 45 years.

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