

1 STATE OF MINNESOTA

FOURTH MEETING

2 HOUSE OF REPRESENTATIVES

EIGHTY-THIRD SESSION

3

4

COMMITTEE ON ETHICS

5

6 Representative Sondra Erickson, Chair of the Ethics Committee, called the fourth meeting

7 to order at 7:38 p.m. on Monday, April 7, 2003, in Room 10 of the State Office Building.

8

9 The following members were present:

10

11 ERICKSON, Sondra, Chair

12 PUGH, Tom, Vice-Chair

13 DAVIDS, Greg

14 MURPHY, Mary

15 RHODES, Jim, Alternate

16 MAHONEY, Tim, Alternate

17

18

19

20

21

22

23

24

25

1 CHAIR ERICKSON: The April 7th meeting of the Ethics Committee will come to
2 order. I would like to remind the audience that no signs are allowed, no flash photography,
3 all must be seated, and there is overflow room in Room 5, which is just across the hall.
4 And please, no cheering or clapping; this is an official meeting of the Ethics Committee.
5 The clerk will please note the roll.

6 Members, we have before us our minutes from our March 31 meeting, and I would
7 like to call for approval of those minutes.

8 REP. DAVIDS: Madam Chair, I move the minutes.

9 CHAIR ERICKSON: Representative Davids moves the minutes for March 31. Is
10 there any discussion? Hearing no discussion, all in favor signify by saying, "Aye."

11 COMMITTEE MEMBERS: "Aye."

12 CHAIR ERICKSON: All opposed, same sign. The minutes are approved.

13 The Committee on Ethics is a standing committee of the House, established under
14 Rule 6.02. Members of the 2003-2004 session are: Representative Tom Pugh -- will you
15 raise your hand, Representative Pugh -- who is the Vice-Chair of this committee;
16 Representative Greg Davids; Representative Mary Murphy; I'm Sondra Erickson, the
17 Chair; Representative Jim Rhodes and Representative Tim Mahoney are alternates who sit
18 with the committee but do not vote. Committee staff includes the Committee
19 Administrator, Blair Tremere, to my left; Legislative Assistant, Bethany Soderstrom, to my
20 right; and House Research Analyst, Deborah McKnight. Would you raise your hand, Ms.
21 McKnight, thank you. Also assisting us are Phil Raines of the Majority Caucus and Sean
22 Rahn of the Minority Caucus. Gentlemen, if you will just signal who you are. They have
23 been assigned as liaisons to the Ethics Committee. Our committee page tonight is House
24 Assistant Sergeant-at-Arms, Andrew Carter.

25

1 The Ethics Committee meets tonight in public session to receive and evaluate
2 evidence offered in support of or opposition to the Complaint filed against Representative
3 Arlon Lindner. Depending upon the findings and possible recommendations by this
4 committee, the House of Representatives could take disciplinary action against
5 Representative Lindner.

6 Members, at your places is the Complaint, which consists of two counts. First, that
7 the conduct of a member violated accepted norms of behavior on the floor of the House of
8 Representatives, and secondly, that such conduct tends to bring the House of
9 Representatives into dishonor or disrepute.

10 Members, our responsibility tonight, pursuant to House Rules and to the Committee
11 Rules of Procedure, is an investigative one. Tonight, this is investigative. It is our task to
12 determine whether or not there is sufficient factual evidence to believe that the allegations
13 contained in the Complaint are more probably true than not, and that if true, tend to
14 support disciplinary action. The committee's charge is to determine whether or not there is
15 probable cause. Our procedure tonight for the hearing is, again, a meeting to receive
16 testimony and evidence from the Complainants, who are seated here to my right, and from
17 the Respondent, seated to my left. Testimony will not be taken from others.

18 Members, you have before you the order of business that we agreed upon at our last
19 meeting, so please, will you note that schedule.

20 Mr. Tremere, our Committee Administrator, will keep track of the time with an
21 electric -- electronic timer and will give notice to the presenters and to the committee with
22 cards marked for: "No time left," "One minute remaining," "Three minutes remaining,"
23 "Five minutes remaining." Mr. Tremere will announce when time has expired.

24 The Complainants will begin with their presentation tonight. Please take a place at
25 the testifier's table and state your name for the record.

1 REP. ENTENZA: Madam Chair --

2 CHAIR ERICKSON: The Complainants will take their place at the testifier's table.

3 REP. ENTENZA: Madam Chair, we have all of our documents here so we prefer
4 to present them from here. I don't think that makes any difference in what we're doing.

5 CHAIR ERICKSON: Okay, that will be fine.

6 REP. ENTENZA: And I appreciate your accommodations, Madam Chair, with
7 that. Madam Chair, I just have one other quick procedural question, and I appreciate your
8 indulgence. We had a number of letters that we submitted to you about matters that need
9 to be resolved before the hearing commences regarding your position as chair of the
10 committee, regarding the scope of the hearing, and it's difficult to proceed with the hearing
11 if the committee at least doesn't have some discussion of those. We're trying to do that to
12 make sure that we focus the hearing in the best possible way to meet the issues that you
13 have. And, Madam Chair, I certainly hope that this would not come out of our time. We
14 would expect the Chair would accord us the opportunity since we have waited weeks for
15 answers to some of these questions and to get answers before we begin.

16 CHAIR ERICKSON: Representative Entenza, we have received letters, etcetera,
17 from the Complainants. The presentation now begins. Please state your name for the
18 record, and if more than one person speaks on a point, please re-identify yourself. You
19 have 30 minutes.

20 REP. PUGH: Madam Chair --

21 CHAIR ERICKSON: Your 30 minutes has begun.

22 REP. PUGH: Madam Chair, I'm over here.

23 CHAIR ERICKSON: Representative Pugh.

24 REP. PUGH: Madam Chair, I know the Complainants had submitted to all of the
25 members of this committee a number of relatively serious questions about procedure, the

1 type of evidence to be received. It seems as though there should be some response,
2 whether -- I don't know if you just intend to just deny everything that they had asked
3 because it seems as though there should be some discussion. I don't know if Mr. Anderson
4 is going to have similar requests along the line.

5 MR. ANDERSON: We're content with the rules as they are.

6 CHAIR ERICKSON: Representative Pugh, I don't think this is in order for
7 tonight. And Mr. Tremere, has the clock started yet?

8 MR. TREMERE: No.

9 CHAIR ERICKSON: Then we'll begin the clock. We'll proceed.

10 REP. MAHONEY: Madam Chair --

11 CHAIR ERICKSON: Representative Mahoney, this is not in order. We've settled
12 on our rules and we're proceeding.

13 REP. MAHONEY: Well, it's just a point of parliamentary inquiry then.

14 CHAIR ERICKSON: State your inquiry.

15 REP. MAHONEY: When would it be appropriate to address the items that have
16 been submitted to the committee? I just received them this afternoon at about 1:00. Now,
17 certainly, they may have been dropped off to my office, but I really haven't had a total
18 ability to follow through on -- to do my homework and read all the things that have been
19 dropped off at my office.

20 CHAIR ERICKSON: Representative Mahoney, I have not read any of the
21 information delivered to me because, as an Ethics Chair, I need to be open to all the
22 evidence that's presented tonight. If you have studied it, that's within your purview. You
23 are not a voting member, but I welcome, you know, your discussion later when we have
24 discussion. So we'll proceed with the hearing.

25 REP. ENTENZA: Well --

1 CHAIR ERICKSON: Please begin, Complainants.

2 REP. ENTENZA: -- Madam Chair, I want to strongly object. This appears to me
3 to be a kangaroo court that's being set up. Two weeks ago, we put a motion before this
4 committee about whether or not you were properly --

5 CHAIR ERICKSON: Representative Entenza, you're out of order. This is not a
6 court of law. There are no motions that come before this committee.

7 REP. ENTENZA: Madam Chair --

8 CHAIR ERICKSON: We've decided on our rules.

9 REP. ENTENZA: -- then you take it --

10 CHAIR ERICKSON: Please begin.

11 REP. ENTENZA: -- then take it out of my time, Madam Chair. Madam Chair, you
12 are running a kangaroo court here. We put motions forward, serious motions about
13 whether or not it is appropriate that you chair, whether or not it was appropriate that certain
14 evidence be considered. We have counsel on the other side making outrageous accusations
15 on religious grounds, and you're telling me, as the Chair of this committee, you don't even
16 bother to read the evidence. I think it is perfectly obvious what's going on here, Madam
17 Chair. If you won't read letters that are submitted, if you seem to say that ignorance is
18 apparently the best position for a chair, it's clear to me what's going on in this hearing.

19 CHAIR ERICKSON: Representative Entenza, you're out of order. Fairness is
20 what this is about.

21 REP. ENTENZA: Madam Chair --

22 CHAIR ERICKSON: Fairness.

23 REP. ENTENZA: -- if the Chair can't bother to read things that are submitted to
24 her, it strikes to me that fairness is not the issue, but Madam Chair, feel free to --

25 CHAIR ERICKSON: Fairness is the issue.

1 REP. ENTENZA: -- take that out of my time because I think the public and others
2 can clearly see what's going on here.

3 CHAIR ERICKSON: Representative Entenza, the Complainants should begin.

4 REP. ELLISON: Members, there's a question mark hanging over the State Office
5 Building. There's a question mark, and the question mark is simply this: Do the people of
6 the State of Minnesota and the legislators that represent them share the viewpoint that
7 people who were victims of Nazi persecution were, in fact, not victims of Nazi
8 persecution? The question hanging over this building is: Is it the opinion of the state of
9 representatives that an entire continent of people symbolize nothing more than
10 undifferentiated disease? Mr. Lindner has disgraced this body. He has insulted not only
11 members of this House, but members of the community at large. The fact of the matter is,
12 members, is that his conduct calls for discipline because it was outside the accepted norms
13 of this House and it brought disrepute and dishonor on this body. Ladies and gentlemen of
14 the panel, the fact of the matter is that this panel is empowered to speak. Mr. Lindner
15 wants to hide behind his right to speak, but the House of Representatives has a right to
16 speak too. And what we're asking you to say, as we speak as a body, is that what he had to
17 say is unacceptable. It brings dishonor on us as an institution. The fact is, that question
18 mark sitting over this building is whether or not we represent all the people of the state or
19 not, and whether or not an elected official, a person who holds an election certificate can
20 spout bigoted language, mean-spirited, untrue statements designed to injure members of
21 the community and members of this body. That is the issue. Now, Madam Chair, let's get
22 started.

23 The fact is that we need to start with exactly what was said in this matter. First of
24 all, we start with the statement of Mr. Lindner: "It's just been within the recent two or

1 three years that it's been brought forward that homosexuals suffered like that." That's
2 what he said. He said it on the 3rd of March -- 10th of March.

3 After he made that statement, what he said on the House floor: And if what I'm
4 trying to prevent is the holocaust of our children getting AIDS -- STDs, AIDS and various
5 other diseases that's going to affect their lives the rest of their lives. If you want to sit
6 around here and wait until America becomes another African continent, well then, you do
7 that, but I'm going to try do something about it.

8 That's what he said on the House floor.

9 His next statement, after Karen Clark, after several members tried to tell him that
10 he was wrong, that he fundamentally misunderstood what he was saying, he persisted in
11 his mean-spirited, dishonoring statements when he -- after he was told, he said, "I'm not
12 convinced that they were persecuted."

13 Now, members, he kicked this whole flurry off when he started, before any of this
14 was said, when he put out the statement: "I was a child during World War II, and I've read
15 a lot about World War II. It's just been recently that anyone's come out with this idea that
16 homosexuals were persecuted to this extent. There has been a lot of re-writing of history."

17 Members, to deny the suffering of a people, to deny the humanity of that people,
18 what Arlon Lindner said brought disrepute on this House and on this body.

19 CHAIR ERICKSON: Representative Ellison, I believe you need to be before a
20 microphone. It is difficult to pick this up on tape.

21 REP. ELLISON: Madam Chair --

22 CHAIR ERICKSON: I think you can just adjust that one there. Proceed.

23 REP. ELLISON: Madam Chair, after these statements were made, Minnesotans,
24 but not only Minnesotans, people all over the entire country began to question whether

1 Minnesota was a fair place. They questioned our honor, Madam Chair, members. They
2 questioned our integrity. They questioned our reputation for fairness.

3 “Lindner’s revisionism isn’t harmless...It is not the kind of message Minnesotans
4 want a chairman of the House Economic Development and Tourism Committee spreading
5 across the nation. Replace Lindner as committee chairman.” Duluth News, March 12, ’03.

6 “The First Amendment also allows for rebuttal, and it doesn’t guarantee that
7 Lindner should continue to sit as a committee chairman in the House or even continue his
8 House seat...The message should [surely] be sent loudly and clearly: while Lindner may
9 speak for himself, he doesn’t speak for Minnesota.” The Marshall Independent, March 12.

10 Not only there, Madam Chair. He went on. “...House DFLers rightly claimed
11 Lindner’s remarks have brought disrepute to the House of Representatives. Their cause
12 should be joined by [the] Speaker Steve Sviggum and other Republican leaders, who have
13 much to lose by shrugging off Lindner’s indefensible behavior.” Star Tribune, March 13,
14 ’03.

15 “If Lindner does not step down or is not removed as chairman of the Economic
16 Development and Tourism committee, voters will wonder if the Republican leadership
17 supports his statements. While Lindner has the right to say what he believes, the main
18 question is does the Republican Party embrace the same thoughts?” West Central Tribune,
19 March 15, 2003.

20 That’s just the media, Madam Chair and members. From there, members, the
21 people, average citizens, community members, begin to speak, and what they said was this.
22 This is just one example of an entire package that I believe everybody on this panel
23 received last Friday. Is that right, Madam Chair?

24 “Something must be done to stop Representative Lindner from bringing the House
25 into such dishonor and disrepute.” That’s what we’re trying to do today. “...This should

1 not be a partisan issue. This is about the dignity of the House, the integrity of its members
2 and the offensive conduct of an elected official.” Jonathon and Jill Eisenberg, Minnetonka,
3 Minnesota, 3/11/03.

4 Here’s one from out of state, members: “Our first choice [for our next vacation]
5 was Minnesota, specifically the Boundary Waters Canoe Area. However, after reading the
6 bigoted, repugnant remarks of Representative Arlon Lindner we are seriously considering
7 traveling elsewhere.” Michael Jensen, Tacoma, Washington.

8 Now, a Minnesotan all the way on the east coast of this country wrote: “I beseech
9 you to bring back some respect and honor to the Minnesota legislature for all of
10 Minnesota’s residents, and a little more dignity to the politics of Minnesota to the eyes and
11 ears of the rest of this nation.” Kurt Donald Koester, resident of Fergus Falls, Minnesota,
12 writing from Cornell University. -- Thank you very much. -- This is February -- this is
13 March 21st, 2003.

14 Madam Chair and members, these blowups are only a few of the multitude of
15 communications we have received regarding disrepute and dishonor that Mr. Lindner has
16 brought on this body. We must speak. We must say that it’s wrong and it cannot go on.

17 At this time, members, I want to ask Representative Latz to come forward to
18 continue our presentation.

19 REP. LATZ: Madam Chair, as part of the packet that we submitted earlier, last
20 week, there were voluminous statements from organizations and others condemning
21 Representative Lindner’s remarks and calling upon the House of Representatives to speak
22 collectively in condemning his remarks. I want to read to you a sampling of those letters.

23 From Professor Stephen Feinstein, Director for the Center of Holocaust and
24 Genocide Studies at the University of Minnesota: “The issues associated with Holocaust
25 denial [and Representative Lindner’s statements] relate to questions of moral and ethical

1 slippage when groups like homosexuals and other victims of Nazism are denied their
2 suffering and place in history. Politicians especially have the obligation to understand this
3 oppression in the last, as persecution of all groups during the Third Reich was not done in
4 an arbitrary fashion but confirmed by laws written by politicians and legislators.”

5 The Hotel Employees and Restaurant Employees Union, Local Number 17: “We do
6 not agree...that a person who holds those [racist and homophobic] views is entitled to hold
7 a position of leadership in our state government and most particularly as the chair for the
8 committee that deals with the promotion of tourism in the State of Minnesota.”

9 The Minneapolis Branch of the NAACP: “...The Minneapolis Branch of the
10 NAACP stands firm requesting the members of the Ethics Committee collectively to
11 proclaim that Representative Lindner’s narrow-mindedness is not the thoughts of the
12 Minnesota legislature. Representative Lindner’s statements...are...factually inaccurate,
13 irresponsible, demeaning and disrespectful.”

14 The Anti-Defamation League: “While all Jews were victims of the Holocaust, not
15 all victims were Jews. That homosexuals were among the people Hitler targeted is a
16 documented fact. To deny that is to revise history and that is unacceptable, especially from
17 one in leadership and public service.”

18 The Jewish Community Relations Council: “Eleven million people were murdered
19 in the Holocaust, six million of which were Jews and five million of which were
20 homosexuals, Sinti-roma (or gypsies) and other ‘inferior’ peoples. Homosexuals
21 imprisoned in concentration camps were forced to wear pink triangles that denoted their
22 sexual orientation and many were murdered. These facts are contested only by Holocaust
23 revisionists who seek to deny that any Nazi Holocaust occurred.”

24 From the Imam Makram El Amin: “It is insulting [for Reverend Lindner] to
25 declare [Africa] to be something that we should not become. Africa has a rich history, and

1 has made numerous contributions to the world. ...I urge you to collectively proclaim that
2 Representative Lindner's expressions of intolerance are not the feelings of the members of
3 the Minnesota State legislature."

4 Bishop Rogness, St. Paul Area Synod of the Evangelical Lutheran Church in
5 America: "Historians have shown that homosexual persons were among those persecuted
6 by the Nazis during the Holocaust. I am embarrassed by any statement by anyone in
7 government who would seek to distort or minimize that atrocity." He continues:
8 "Irresponsible and inaccurate statements on the part of any governmental figure must be
9 refuted for the sake of civil and informed discourse. Such statements cannot be defended
10 by appeals to the right of free speech. Responsible public officials owe it to the residents
11 of the state to be informed and accurate. Representative Lindner's statements have crossed
12 that line of responsible speech. His colleagues in the legislature should call him to
13 account."

14 Jean-Nickolaus Tretter, the GLBT Collection Specialist at the University of
15 Minnesota: "[Since] 1933 literally thousands of articles, journal reports, and sections of
16 other books have dealt with the suffering of homosexuals under the Nazi regime. ...For 80
17 years factual information...has been available to anyone in the State of Minnesota. To say
18 that such persecution did not happen or that it is a recent fabrication is patently false and
19 deliberately misleads the public."

20 And Dr. Frank Rhame, The Doctors, Allina Medical Group, who is an
21 epidemiologist: "Overall, about 90% of HIV transmission in Africa is due to heterosexual
22 contact. Most of the remainder is due to transfusion of improperly tested blood or the use
23 of improperly sterilized medical instruments."

1 Madam Chair, members of the committee, these statements represent state, local,
2 and national organizations whose attention has been drawn to Representative Lindner's
3 statements and whose eyes are watching your decisions here tonight.

4 We would like to present, Madam Chair, members of the committee, the
5 eyewitness testimony of Hinda Kibort. Ms. Kibort was in a concentration camp in
6 Germany, and she has a statement that she would like to read to the committee.

7 CHAIR ERICKSON: Please give your name for the record, and welcome to our
8 committee hearing.

9 MS. KIBORT: Thank you. Madam Chairwoman and members of the committee,
10 my name is Hinda Kibort, and I am a survivor of the Holocaust. I want to explain to the
11 committee where I come from, not physically, but what my interest is here and what I
12 know.

13 I was born in Lithuania and was a Soviet citizen in 1941 when the Germans came
14 through the border and the war started for us. The first thing I want the panel to
15 understand, that our human rights were taken away, and this led the Jewish population to
16 be classified as *untermenschlich*, subhumans. And being subhumans, we had no recourse
17 to any government agency, to any hospital, to any help from anyone on the street or
18 anyone who invaded our homes. And I want you to understand where this all led because
19 having been later arrested and without human rights, put into labor camps, and eventually
20 in Germany in a concentration camp on German soil, I want you to know the slippery road
21 that I had to go down myself and all my Jewish compatriots wherever they were at that
22 time in Lithuania. It ended up with taking our rights away. It eventually brought us to
23 death, and I will explain to you how. Because having no rights at all and having no
24 recourse to law, we ended up being herded in some woods in January 1945 at a clearing,
25 and while I was there with my mother and my sister all the time, it ended up with a

1 massacre. I saw my mother killed right in front of me, one day before we were liberated.
2 So going down this slippery road of taking your rights away eventually takes your life
3 away, and I want to testify that here, now, when we talk about the gays, I want to testify
4 that there was never a group that was put in a concentration camp that didn't have an ID,
5 and just as Jews had to wear a yellow star on our prison uniform, or the rags that we wore,
6 so gays had to wear yellow stars. There was a category, a whole category of them.

7 It could very well be that Mr. Lindner has read something when he was a child, and
8 he probably learned what he learned, which is totally irresponsible today, to state in the
9 State of Minnesota.

10 I want to tell you that it is -- I'm a citizen of Minnesota. I am very proud to be an
11 American, and I do recognize what free speech is. I will fight for anyone to have free
12 speech. The hardest thing is to live in the democracy because here we have possibility to
13 show our view on what is going on in the country, and this I never had before. And though
14 we are very -- we know that here is a lot of homophobia, and I have read myself in the
15 paper of students in school, of individuals who were being killed because of who they are.
16 I believe that it is a very dangerous thing to take a perfectly good law that assures the
17 human rights of gays, to have support from the country, from the state that they live in, that
18 they should not be fired from jobs, that they should be allowed to pursue their careers, that
19 they should have access to housing and anything else that other citizens are allowed to
20 have. I think to take a perfectly good law, a positive law, and to want to overturn today, is
21 not only meanness but I can't understand how a committee of all members of this
22 committee can allow this to happen, and to be representing in a way Mr. Lindner and
23 whatever he has pronounced.

24 I -- I can answer any questions that you would like to ask me. But this is basically
25 what I want you to know, that if anyone thinks that the pink triangle did not exist, or as Mr.

1 Lindner says, there is a book, that infamous Pink -- "Pink Triangle." If there is a book that
2 he hasn't read yet and he doesn't know what is in it, if he thinks this as his example to
3 overturn a perfectly good law that allows human rights to be given and protected to gays,
4 then I have -- I cannot unders-- I honestly cannot understand how this can be taken as a
5 truth. This is total revisionism of the Holocaust and a very mean and very bad law, to take
6 away the rights of gays to exist on par with all the other citizens.

7 CHAIR ERICKSON: Thank you, Ms. Kibort.

8 MS. KIBORT: Thank you, Madam Chairwoman.

9 REP. ELLISON: Reverend Gallmon. At this time, committee members, we would
10 ask Reverend Gallmon to come forward. I would like to note that it would be our
11 preference that all the witnesses be able to answer questions, but given the very tight time
12 restraints, that's not possible. Perhaps a member of the committee would entertain to
13 expand the time, but Reverend Gallmon, as soon as Ms. Kibort is able to make some space
14 there, I would request you to come forward and give your testimony.

15 This is Reverend Gallmon, who is the President of the Minneapolis NAACP.

16 CHAIR ERICKSON: Welcome to the committee, Reverend Gallmon. Would you
17 please state your name and spell it for the record.

18 REVEREND GALLMON: Yes, Madam Chair, it's Albert Gallmon, G-a-l-l-m-o-n.

19 CHAIR ERICKSON: Please proceed.

20 REVEREND GALLMON: Thank you very much. I represent the Fellowship
21 Missionary Baptist Church, which is 400 families. I'm also President of the Minneapolis
22 Branch of the NAACP. This is a difficult thing that we are asking this committee to do to
23 a colleague and friend. It's a difficult thing that I do today for a former seminarian and a
24 fellow Christian, but Madam Chair, his words are false words, are inciteful, and the
25 problem I -- we have with that is that the words that he stated can incite others in this

1 community and this state to react in a negative way toward people who do not look like
2 them and people who do not believe like them. And it is our belief that some discipline
3 should be done and taken place at this time from the Ethics Committee. So thank you very
4 much, Madam Chair.

5 CHAIR ERICKSON: Thank you, Reverend Gallmon.

6 REP. LATZ: Madam Chair, this is not about House File 341 or its merits. As
7 strongly as we oppose it and as insidious as it is, this is not about the merits of any
8 legislation. This is not about the Complainants motives or religious beliefs, as opposing
9 counsel has indicated in advance of this hearing that he intended to raise as an issue. That,
10 your Honor -- Madam Chair and members of the committee -- I'm used to doing this in
11 front of a judge. I accord you all respect. That's really just a smokescreen about what the
12 real issues are here. And this is not about Respondent's motives or his religious beliefs.
13 What's in his heart is not the issue here. What words he spoke are the issue. There is no
14 factual dispute that those words occurred. They were recorded in the House Journal on the
15 House floor, reported in the media afterwards.

16 Now, it is clear that the statements that Representative Lindner made are false. But
17 more importantly, his response to the proof of their falsity is what is of the greatest
18 concern. He persisted in repeating those incontrovertibly false statements. To do so falls
19 below the standards of conduct for a member of the House of Representatives. And
20 making those statements did tend to bring the House into dishonor or disrepute, statements
21 which are offensive, which are bigoted, which have reflected very poorly upon this
22 institution as indicated by the massive public response condemning those statements and a
23 legislature that would tolerate those statements unrebuted. Those statements undeniably
24 violated the rules of this House.

1 The next question is what remedy is appropriate. We seek censure, c-e-n-s-u-r-e, a
2 collective statement by the body of the legislature condemning Representative Lindner's
3 remarks, and we seek his removal as chair of the Economic Development and Tourism
4 Committee.

5 Now, it is your duty to protect the honor and the reputation of the House. That is
6 your charge as members of the Ethics Committee. We are all stewards of that honor and
7 reputation, but you are the voice of the House, as the committee in this matter. Rules mean
8 nothing if they are not enforced. The rules even contemplate this particular kind of action
9 for speech by a member. Rule 2.31 even refers to speech as grounds for an ethics
10 complaint and sanction, statements which are so outrageous as to require the collective
11 action and statement of this body. The Ethics process is the mechanism by which the
12 House collectively acts in response to Representative Lindner, the method by which it
13 enforces its code of conduct.

14 Discipline in this case would make the collective statement that his, Representative
15 Lindner's, statements are unacceptable, and failure to make that denunciation would
16 further dishonor this House. On behalf of the honor of the House, you should say that his
17 statements were unacceptable, statements from a senior member of this House, from a
18 leader of this House, a committee chair of the House. You should exercise your duty by
19 censuring Representative Lindner and removing him as chair of his committee.

20 I want to close with a statement by Reverend Martin Niemoller, written in 1945:
21 "First they came for the Communists, and I didn't speak up because I wasn't a Communist.
22 Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they
23 came for the Catholics, and I didn't speak up because I was Protestant. Then they came for
24 me, and by that time, there was no one left to speak up for me."

25 Members, speak up.

1 CHAIR ERICKSON: Thank you, Representative Latz and Complainants. Be sure
2 that you leave with the Committee Administrator the placards you used and any other
3 materials so that we can have those on record.

4 At this time, the Respondent and/or his attorney may question the Complainants.
5 Please identify yourself for the record. You have 15 minutes. Are we ready, Mr. Tremere?
6 You may begin.

7 MR. ANDERSON: Thank you, Madam Chair. My first question I would like to
8 address, I guess, either to Mr. Latz, Representative Ellison; they touched on this point. Is it
9 your position that Representative Lindner denied the Holocaust?

10 REP. ELLISON: He denied the Holocaust. He denied Nazi persecution with
11 respect to members of the homosexual community, yes, he did.

12 MR. ANDERSON: Thank you. Representative Latz? The question is, did
13 Representative Lindner deny the Holocaust? The more succinct the answer, the better.

14 REP. LATZ: Well, I certainly want to give you an answer. Yes, his denial that --

15 MR. ANDERSON: Thank you --

16 REP. LATZ: -- gays were persecuted --

17 MR. ANDERSON: -- Representative Latz.

18 REP. LATZ: -- by the Nazi regime was part of a category of denial of the Nazi
19 Holocaust and all of their persecutions, which you can find in the book that he has cited as
20 his source.

21 MR. ANDERSON: Thank you. Representative Entenza, did Representative
22 Lindner deny the Holocaust?

23 REP. ENTENZA: Mr. -- it's Anderson, right?

24 MR. ANDERSON: Correct.

1 REP. ENTENZA: Mr. Anderson, he denied the Holocaust for a particular group
2 that was persecuted by the Nazis, and that would be gays and lesbians, and as the letter that
3 came in from the professor at the University of Minnesota said, that is a type of Holocaust
4 revisionism, and so, yes, he did.

5 MR. ANDERSON: Thank you. Qualified that answer, did you not?

6 REP. ENTENZA: Mr. Anderson, Holocaust revisionism is Holocaust revisionism.
7 You can pick your group. You can say it wasn't Jews or it wasn't gypsies or it wasn't
8 Catholics or Protestants, or whatever. Pick your group. He happened to pick gays.

9 MR. ANDERSON: Representati --

10 REP. ENTENZA: It's Holocaust revisionism.

11 MR. ANDERSON: Representative Entenza, you were quoted in the Star Tribune,
12 which is, as I'm sure you know, goes statewide and beyond, you were quoted in the Star
13 Tribune as having said that Representative Lindner denied the Holocaust. Did you say
14 that?

15 REP. ENTENZA: Yeah, I'm sure I did, and I would be happy to repeat it for you,
16 Mr. Anderson. Just to be clear, absolutely.

17 MR. ANDERSON: Go ahead.

18 REP. ENTENZA: Sure. He denied the Holocaust. As the letter that came in from
19 the professor at the University of Minnesota said, when you deny it for any group, you are
20 denying the Holocaust and what the Holocaust means.

21 MR. ANDERSON: Okay. I guess I'll ask any of the Complainants; I'm not going
22 to go down the list, but is it your position that Representative Lindner denied that
23 homosexuals were persecuted in the Holocaust?

24 REP. LATZ: Mr. Anderson, Representative Lindner's statements on the floor of
25 the House speak for themselves. He was explicit in his statements.

1 MR. ANDERSON: Thank you.

2 REP. LATZ: And his follow-up statements to the media as well.

3 MR. ANDERSON: Thank you. Next question, I guess it would be appropriate for
4 one of the three I've questioned so far to answer this one. You read into the record various
5 editorials, various individual complaints. Now, these individuals that -- editors and
6 complainants, do you know how they got their information on what Representative
7 Lindner said?

8 REP. LATZ: No, I don't know where they got their information.

9 MR. ANDERSON: Okay. It was media reports? Did you send them information?
10 Did you send them tapes?

11 REP. LATZ: There was a whole packet of information which was submitted to the
12 committee and distributed to you, Mr. Anderson, well in advance of this hearing.

13 MR. ANDERSON: Okay.

14 REP. LATZ: There's a lot of information in there. This matter was widely
15 reported throughout the media and was broadcast on House TV. Where individuals who
16 submitted responses, where editorial boards got their information, I cannot tell you. You'd
17 have to ask them.

18 MR. ANDERSON: Are you aware, Representative Latz, that the Complaint that
19 you filed with the Ethics Committee is a cut and paste job, that you eliminated remarks that
20 Representative Lindner made on the House floor in filing the Complaint?

21 REP. LATZ: Mr. Anderson, that's argumentative.

22 MR. ANDERSON: Are you aware of that?

23 REP. LATZ: Mr. Anderson, if you wish to make arguments, I suggest you save
24 your time --

25 MR. ANDERSON: That is not an argument; that is a question.

1 REP. LATZ: You can characterize it any way you want. The Complaint stands for
2 itself.

3 MR. ANDERSON: Thank you. I would next like to question Reverend Gallmon,
4 please.

5 CHAIR ERICKSON: Reverend Gallmon, would you please take your seat at the
6 testifier table.

7 REP. LATZ: Madam Chair, we object. He's not a Complainant. The rules that
8 this committee have set for us specifically say, Complainants should be questioned, but
9 there is nothing about questioning of the witness. We ask the Chair to rule that question
10 out of order.

11 CHAIR ERICKSON: Proceed, Mr. Anderson.

12 MR. ANDERSON: Reverend Gallmon. Could you produce Reverend Gallmon,
13 please?

14 CHAIR ERICKSON: Mr. Anderson, if he doesn't wish to testify, he does not have
15 to, so please --

16 MR. ANDERSON: Refuses?

17 CHAIR ERICKSON: -- please continue.

18 MR. ANDERSON: Okay.

19 REP. LATZ: Madam Chair, I believe Reverend Gallmon had to leave for another
20 commitment.

21 MR. ANDERSON: Okay. I would like to question, was it Mrs. Kibort, do I have
22 that correct? Okay. Would you like to answer a few questions?

23 MS. KIBORT: Yes --

24 MR. ANDERSON: Okay.

25 CHAIR ERICKSON: Would you bring her to the testifier table, please.

1 REP. DAVIDS: Madam Chair, Madam Chair, while she's coming up here.

2 CHAIR ERICKSON: Yes, Representative Davids.

3 REP. DAVIDS: It says that the member -- or, "the member has the right to respond
4 to all charges, to be represented by counsel, to call on and cross examine witnesses..." So
5 when they testify, can't they be questioned?

6 CHAIR ERICKSON: Correct, yes, but Representative Davids, it's up to the
7 testifiers as to whether they want to answer questions.

8 REP. DAVIDS: Well, Madam Chair, if -- you talk about due process under Rule 4.
9 How do we have due process if somebody makes statements and then can't be questioned?

10 REP. LATZ: Madam Chair, we withdraw our objection. There should be no issue
11 for Representative Davids.

12 REP. DAVIDS: Well, the issue is the gentleman's not here.

13 CHAIR ERICKSON: Representative Davids.

14 REP. DAVIDS: Madam -- I'm sorry, Madam Chair, the issue is the gentleman is
15 not here. How can someone testify and then not be here for questions when the rules say
16 we can question?

17 CHAIR ERICKSON: Representative Davids, I understand Reverend Gallmon had
18 another commitment, and if he's not here, we can't question him, so let's move on, please.
19 Mr. Anderson.

20 MR. ANDERSON: Thank you, Madam Chair. Ms. Kibort, I, first of all, want to
21 express my sympathy for what happened to you. I mean, it was detestable, of course, what
22 the Nazis did, and I'm sure that may not mean much, but I just want you to know you have
23 my sympathy.

24 MS. KIBORT: Thank you for that, and it does matter even so many years after.

1 MR. ANDERSON: Thank you. We're here today to determine the fate of an
2 individual so I would just like to ask you a few questions about that, if you don't mind.

3 MS. KIBORT: I don't mind.

4 MR. ANDERSON: Okay. Is it your position -- or, have you formed any position
5 on this matter as to whether or not Representative Lindner should be disciplined?

6 MS. KIBORT: Absolutely.

7 MR. ANDERSON: Okay. Now, certain of the information that we have seen
8 could lead one to believe that Representative Lindner denied the Holocaust. Have you
9 heard that information?

10 MS. KIBORT: Yes. I feel the same way.

11 MR. ANDERSON: Okay, and it's on that information that you base your opinion.

12 MS. KIBORT: Because if he denies part of what happened, he denies the
13 Holocaust.

14 MR. ANDERSON: Okay.

15 MS. KIBORT: There is no way around that, and if he says that he learned about
16 the Holocaust when he was a little boy and he read a book, I mean --

17 MR. ANDERSON: And let me say, Ms. Kibort, I'm on the same page with you on
18 this one. If an individual had denied the Holocaust, I mean, that individual would either be
19 willfully ignorant or a bigot, so I'm -- I mean, I --

20 MS. KIBORT: Well, I feel that he is both.

21 (Whereupon there was laughter from the audience.)

22 MR. ANDERSON: But we want to --

23 CHAIR ERICKSON: Audience, please, please, please.

24 MR. ANDERSON: We want to make sure, do we not, though, that we're not
25 falsely accusing people. We --

1 MS. KIBORT: I am very serious about it.

2 MR. ANDERSON: Okay. Well, it seems to me that one of the characteristics of
3 the Nazis, if I read history correctly, was that they were the father of the big lie. You
4 know, we read, the devil is the father of lies; the Nazis were the father of the big lie, I've
5 read. Is that true or not?

6 MS. KIBORT: I don't know where you read it. I don't know what you're referring
7 to.

8 MR. ANDERSON: Okay. Well, it's my understanding that one of the things that
9 the Nazis would do as they went about victimizing people and turning innocent people into
10 victims is that they would spread lies about those individuals, and those lies would
11 dehumanize the person, and eventually when this had occurred long enough, nobody
12 would believe the truth about the individual. Does that sound like it might have been one of
13 the tactics --

14 MS. KIBORT: That has absolutely no bearing on what we are talking about --

15 MR. ANDERSON: Doesn't it?

16 MS. KIBORT: -- here.

17 MR. ANDERSON: Doesn't it? What if -- what if the things that have been said
18 about Representative Lindner were untrue?

19 MS. KIBORT: I can only tell you what I read and what I heard, and all the articles
20 that I know through the press, and just like any other citizen, this is what I know.

21 MR. ANDERSON: Okay. And you have heard that Representative Lindner denied
22 the Holocaust.

23 MS. KIBORT: I have read that. I have read what he said.

24 MR. ANDERSON: Okay.

25 MS. KIBORT: And I see that he has denied the Holocaust.

1 MR. ANDERSON. Okay. I have no further questions, Ms. Kibort, and I want to
2 thank you for bearing with me on these questions.

3 MS. KIBORT: You're very welcome.

4 MR. ANDERSON: Thank you. I guess I would have hoped I would have had a
5 few more questions, but I think that's about it. I'll sacrifice any remaining time.

6 CHAIR ERICKSON: Okay. Mr. Anderson has concluded his questioning of the
7 Complainants, and now members, you may question the Complainants or any witnesses
8 that you like. We have -- as soon as Mr. Tremere has the timer ready -- 15 minutes to do
9 that. Okay, let's begin.

10 REP. RHODES: Madam Chair.

11 CHAIR ERICKSON: Representative Rhodes.

12 REP. RHODES: Madam Chair, Ms. Kibort, I hate to ask you to come back up to
13 the witness stand.

14 CHAIR ERICKSON: Ms. Kibort, would you return to the testifying table, please.
15 Representative Rhodes has a question for you.

16 REP. RHODES: Actually, why don't you bring the microphone to her if you want.

17 CHAIR ERICKSON: Thank you. Mr. Carter, would you please do that so she
18 doesn't have to -- that's okay.

19 REP. RHODES: Ms. Kibort --

20 CHAIR ERICKSON: Ms. Kibort --

21 REP. RHODES: -- this is me asking the question over here.

22 CHAIR ERICKSON: Representative Rhodes.

23 REP. RHODES: I, like other members, some of the members of the panel, have a
24 history dealing with the events of World War II, and just to let you know that my wife's
25 family, some of them came from your country. We have a family tree in our house and

1 there's a lot of black dots that show they never survived. And your comments were
2 touching to me and moving, and I -- what I understand is that -- I know you talked a little
3 bit about the House File, which is not the issue here, and I appreciate that. That's not the
4 issue here, but you said something about freedom of speech, and this is what I'm tugging
5 at here a little bit. Can you -- do you remember when you were talking earlier, you said
6 something about the value of the freedom of speech?

7 MS. KIBORT: Yes.

8 REP. RHODES: Can you just give me a -- where -- this is kind of, to me, you
9 know, where do we -- how does this play into the situation?

10 MS. KIBORT: Oh, okay. In this context, I had in mind that everybody here in this
11 country can speak out, and I have learned to accept. I have learned that, that everybody is
12 entitled to their opinion here because if we shut up one person, I can be shut up too. And
13 this is one thing that I like to preserve for myself. So I am totally aware that people can
14 have opinions, and I totally agree with Representative Lindner that he has the full right to
15 say what he wants to say, but he cannot, as a Representative, to a body that represents all
16 Minnesotans, I feel that I expect more from Representative Lindner. And I think that even
17 though he can do in his private life any way he wants, to represent the state, he has to
18 represent everybody.

19 REP. RHODES: Thank you very much. Appreciate you coming.

20 CHAIR ERICKSON: Representative Davids.

21 REP. DAVIDS: Thank you, Madam Chair, and I have a few comments I'd like to
22 go through. You know, I'll probably ask some questions but they'll be somewhat
23 rhetorical because I don't want to take up a lot of time, but just some things to think about.

24 First of all, I have a question for Ms. McKnight. Ms. McKnight -- Madam Chair
25 and Ms. McKnight, we have a card that we receive when we are elected, from the

1 Secretary of State as to the Constitution, which we swore to uphold. Article 9 (sic),
2 Section 10, it says: "For any speech or debate in either house they" -- that would be 'we' --
3 "shall not be questioned any other place." So, Ms. McKnight, is it appropriate on placards
4 one and two, when we're talking about a floor debate, is that admissible in this committee
5 since we cannot now -- you know, they say, uphold the honor of the House and good
6 things like that, but I swore to uphold the Constitution. The Constitution says we are not to
7 be -- "for any speech or debate in either House they shall not be questioned in any other
8 place." Are we out of order on the first two placards? Now, I'm not talking about
9 comments in the paper and things like that. That's -- but as far as placards one and two,
10 are those admissible?

11 CHAIR ERICKSON: Ms. McKnight.

12 REP. DAVIDS: And then a follow up.

13 MS. MCKNIGHT: Madam Chair and Representative Davids, the word in the
14 Constitution, in the state and federal Constitution, "other place" has been construed by
15 courts to mean judicial and administrative proceedings. It does not apply to legislative
16 disciplinary matters.

17 CHAIR ERICKSON: Representative Davids, follow up?

18 REP. DAVIDS: Thank you. And the committee, thank you for saying -- I was
19 wondering through a lot of this here which -- what are you recommending, expulsion,
20 censure, reprimand, or to seek professional counseling or assistance, and you said that
21 you're looking at censure, which is in the rules. That's in the rules here. I have a couple
22 problems with where we're headed or where we may be headed here. We have a member
23 that I personally heard in committee refer to Commissioner of Finance McElroy as "Osama
24 bin McElroy." Now, that's offensive to me, you know. And another, the same member,
25 referred in the papers, talked about our honorable -- what's Awada? What is she?

1 CHAIR ERICKSON: She's the State Auditor, Representative Davids.

2 REP. DAVIDS: Thank you. -- the honorable Auditor as "Osama bin Awada." My
3 question is, where is the outrage here? Where's the outrage? I don't like what
4 Representative Lindner said. I think it's not correct; it's not accurate; it's not factual. It's
5 outrageous. I think he said some very, very disgusting things, but the question that you
6 come back to is, does he have the right to say it? And what Representative Lindner said,
7 you know, the Complainants were talking about how it brought disrepute on the House and
8 how every Republican must think that way, I think one of the placards said. It's not my
9 thoughts, and it's been frustrating for me because I can't express my thoughts because I sit
10 on this committee. I can't say how stupid the things he said were. I can't say that, but they
11 were. I think they were tremendously outrageous what he said, and I don't condone them.
12 The Republican House Caucus does not condone them. They're not Republican thoughts.
13 Senator Coleman, I believe, wrote a letter rebuking what Representative Lindner said. So I
14 haven't said anything because I'm on the Ethics Committee, and now is the time to talk
15 about some of these things.

16 Another issue that I looked at, Madam Chair --

17 CHAIR ERICKSON: Representative Davids.

18 REP. DAVIDS: -- and you know, this was a small town paper -- I think it was the
19 Pioneer Press -- had two -- I was going to copy one for everybody but I think everybody
20 seen it, where it shows Representative Lindner as a Neanderthal with a club with the
21 bearskins here, and it says, "I still don't think gays were persecuted." Then over on the
22 other side it says, it shows the DFL, "The Party charges Lindner with a thought crime
23 against the state." Then it says, "Ignoring lessons of Fascist Germany."

24 CHAIR ERICKSON: Representative Davids, do you have a question of the
25 Complainants, please.

1 REP. DAVIDS: Yeah. When it comes to other members, how are we going to
2 handle these things when we say outrageous things on floor like, “Osama bin Awada,”
3 “Osama bin McElroy”? Representative Latz, where’s the outrage?

4 CHAIR ERICKSON: Representative Latz.

5 REP. LATZ: I agree with you on that point, Representative Davids. Those
6 comments by that member were totally inappropriate and outrageous, but I wasn’t present
7 to hear that, and I was not in a position to respond. I was present to hear Representative
8 Lindner’s remark and I was in a position to respond, and that’s what I’m doing now. The
9 issue before this body is Representative Lindner’s statements.

10 REP. DAVIDS: Thank you, Madam Chair and Representative.

11 CHAIR ERICKSON: Representative Pugh.

12 REP. PUGH: Thank you, Madam Chair. And perhaps Representative Latz, kind of
13 following up on what Representative Davids talked about, I think most of us in the state
14 believe that there is this right to free speech. There’s a question about whether or not it can
15 be abridged in our capacity as a representative, whether that’s speaking on the floor of the
16 House, whether that’s in an interview with a newspaper, whether that’s speaking outside
17 on the Capitol steps. Can you walk me through how you believe that, legally, speech by a
18 Representative can, in fact, be subject to some sort of discipline and why.

19 CHAIR ERICKSON: Representative Ellison.

20 REP. ELLISON: I’m glad you asked that question, Representative Pugh. I think
21 that’s clearly one of the major concerns of this committee. Let me state that the First
22 Amendment guarantees that a person will be able to express themselves, but the First
23 Amendment has limitations. For instance, you cannot shout, “fire” in a crowded theater.
24 We all know that. The fact is, however, that under the First Amendment, the thing that
25 would bring the First Amendment to bear in this case is if he were made to stand for a

1 criminal offense for what he said or if he were sued and then subject to some sort of civil
2 penalty such as monetary or injunctive relief. Neither thing is happening here. Neither
3 one is happening here. Representative Lindner is free, after today, to say everything he has
4 already said. And then we are free, as a body, to say he was wrong for saying it. The fact
5 of the matter is, there is no legally cognizable right he will lose if this committee grants the
6 relief sought in this case, which is censure. Censure is simply our collective decision to
7 say that what he said was -- is not -- is not of us, not our thoughts, and we do not approve
8 of it. It's a denunciation. It's a condemnation of what he said. It is not a penalty to be
9 imposed upon him. He can still contact his constituents; he can vote any way he chooses;
10 he can do whatever he wants.

11 And let me just note, if you look at the Rule 2.31, it does contemplate censure. It
12 says in the second sentence: "A member must not be held to answer, or be subject to
13 censure...for language used in debate unless exception is taken before another member
14 speaks or other business takes place." Clearly, that has taken place. The rules contemplate
15 censure itself for what a member would say on the floor of the House. I hope that answers
16 your question, Representative Pugh.

17 REP. PUGH: Thank you.

18 CHAIR ERICKSON: Representative Mahoney.

19 REP. MAHONEY: Thank you, Madam Chair. This is a question for Ms. Kibort.
20 Early on in your testimony -- I just want to make sure -- I think you misspoke. You said
21 that the homosexuals were forced to wear yellow trian -- yellow stars. My understanding,
22 and I'm going to ask, what color and what symbols were they forced to wear?

23 MS. KIBORT: I'm sorry. I said that just as Jews had to wear yellow stars, so the
24 group of homosexuals who were in the concentration camps had to wear pink triangles.
25 This is what -- if I misspoke, I apologize.

1 CHAIR ERICKSON: Representative Mahoney.

2 REP. MAHONEY: Thank you, Madam Chair. So in your testimony, you are
3 saying that there were homosexuals in the concentration camps that you were --

4 MS. KIBORT: They had to wear -- they were a group that were persecuted, and
5 this is -- their human rights were just as taken away as anybody who was imprisoned
6 because we were all beyond the law.

7 REP. MAHONEY: Thank you, Ms. Kibort.

8 CHAIR ERICKSON: Are there questions from other members?

9 REP. RHODES: Well, Representative Murphy hasn't had a chance to ask
10 questions. If she'd rather, go ahead. Otherwise --

11 CHAIR ERICKSON: Representative Murphy, go ahead.

12 REP. MURPHY: By the statements that Representative Lindner made, was any
13 harm done?

14 CHAIR ERICKSON: Representative Ellison.

15 REP. ELLISON: Members, yes, significant harm was done. The fact is that his
16 words went out throughout the state of Minnesota and went out throughout the country.
17 People were -- people were offended, people were humiliated, people were debased,
18 people were made to feel that they were not welcome. I think that I brought forward
19 several placards which indicated that people from around the country are considering not
20 vacationing here, not coming here to engage in tourism in the State of Minnesota because
21 of Representative Lindner's words, and the fact is that the violation is that of dishonor and
22 disrepute. He certainly injured -- the harm that he did is that he injured the reputation of
23 the State of Minnesota and the House of Representatives, which we're hoping to restore
24 through our claim.

1 CHAIR ERICKSON: Representative Ellison, I have a question, and any
2 Complainant can answer it. Because the first count is that the conduct of the member
3 violated our accepted norms of behavior on the House floor, is name-calling acceptable on
4 the House floor?

5 REP. ELLISON: Madam Chair, I would submit that name-calling certainly is not
6 acceptable on the House floor, and so I think that does address your question.

7 REP. ENTENZA: And Madam Chair, if I may briefly add. We have a procedure
8 where under Mason's, I believe it's Mason's 114 but I may be wrong -- Representative
9 Pugh could probably correct me on that -- about personalities not coming into debate, and
10 we regularly admonish members and then those members, you know, apologize and back
11 off from that, but the issue isn't whether or not other sorts of conduct may or may not bring
12 us into disrepute. The issue is whether or not Representative Lindner brought us into
13 disrepute. And that was the issue that we brought forth in the memo that we sent to you,
14 and I am sorry that you didn't take a chance to read it because we can go around with
15 hypotheticals. The issue here is Representative Lindner's conduct. His conduct clearly
16 brought us into dishonor, disrepute. And Madam Chair, I'd remind you, this committee
17 has had two previous cases in its history where members did not commit crimes, where
18 members did not have civil actions against them, where they made statements -- in the Jeff
19 Bertram case, where he made statements that people didn't like, Representative Davids
20 voted to expel him. That was Representative Davids' vote. In the Pavlak case, this body
21 chose not to seat Representative Pavlak because of statements he made during the course
22 of campaigning.

23 CHAIR ERICKSON: Thank you, Representative Entenza.

24 REP. ENTENZA: This committee has clearly taken action on statements before.

1 CHAIR ERICKSON: Thank you, Representative Entenza and Complainants. We
2 will now move to the presentation by and for the Respondent, and I believe you are going
3 to stay where you are. Please state your name for the record, and if you take turns
4 speaking, please identify yourself. As soon as Mr. Tremere has the timer set --

5 REP. ELLISON: Madam Chair, we would object at this time.

6 CHAIR ERICKSON: We have 30 minutes. Go ahead --

7 REP. PUGH: Madam Chair --

8 CHAIR ERICKSON: -- with your presentation, Respondents.

9 REP. PUGH: Madam Chair.

10 CHAIR ERICKSON: Excuse me. Representative Pugh.

11 REP. PUGH: Chair, if I could before the clock starts. My impression was that
12 materials to be delivered to the committee were supposed to be in our possession at the end
13 of the day on Friday of last week, and it appears that we're getting a batch of handouts. Is
14 that -- I did not receive this --

15 CHAIR ERICKSON: Representative Pugh, I'll let Mr. Tremere answer that.

16 MR. TREMERE: Madam Chairman, Representative Pugh and members, the notice
17 that I gave to both parties was that if they wanted materials submitted to you before the
18 meeting, implication being that you'd have time to review it if you wished, they were to
19 get it to me by the end of business on Friday. In the -- in the Complainants' case, they did,
20 and I did distribute it to you. I don't see that -- I have not seen that, in my experience with
21 this committee, as precluding either party from presenting information at the meeting,
22 whether it's in this form or in the form of presentation materials.

23 CHAIR ERICKSON: Representative Pugh.

24 REP. PUGH: Madam Chair, then the materials that were presented to us last
25 Friday would be a part of the record then, is that -- for our determination --

1 CHAIR ERICKSON: Mr. Tremere.

2 REP. PUGH: -- deliberation?

3 MR. TREMERE: Madam Chairman, chairwoman, as far as I'm concerned, that
4 any materials formally submitted to the committee are part of the committee record. How
5 you wish to examine them and digest them is up to the individual members.

6 CHAIR ERICKSON: The Respondents will begin, please.

7 MR. ANDERSON: Thank you, Madam Chair. By word of explanation, the red
8 books that you're receiving are what I would call evidence books. In the front of the book
9 is a portion of the Complaint. That's the loose page in there, and that is a very important
10 bit of evidence. It's also attached to your Complaint. There is an omission in there.
11 Certain of Representative Lindner's remarks were just cut out of the official House
12 transcript, and we'll be coming to that, but I ask you to hold onto that page. The rest of the
13 book is comprised of Representative Lindner's opening statement and then my statement;
14 hopefully, pulling the evidence together for you. If we have time at the end, we'll take
15 some testimony.

16 We have 17 copies of the evidence book as media handouts. I'm going to ask that
17 either the page or someone help assist in distribution of copies to the media. We have 17
18 books, one for each media organization only, please, so if you could raise your hands and
19 then distribute the books. Would that be acceptable, Madam Chair?

20 CHAIR ERICKSON: Yes, Mr. Anderson, that's acceptable.

21 MR. ANDERSON: If there's more than 17 media, you may want to ration them.
22 Okay. With that, we're going to open with the statement of Representative Lindner, thank
23 you.

24 REP. LINDNER: Good evening, Madam Chair and members. I'm Representative
25 Arlon Lindner from District 32A. Members, I have known most of you for about 10 years.

1 You know I am a committed, consistent conservative philosophy. You also know I am a
2 Christian. I, like many Christians, believe that God has given us the Bible as our guide for
3 living. I have often referred to it as my rulebook for faith and practice. The Bible teaches
4 me that homosexual activity is wrong, sinful and harmful. In deciding, as a legislator,
5 whether to promote or oppose or maintain any given legislation, teachings of the Bible
6 weigh heavily upon my decision. Actually, any legislation that would violate any
7 significant religious belief, while showing few benefits or while showing benefits that
8 could be accomplished in another fashion, will always be vigorously opposed by myself,
9 regardless of the personal consequences.

10 I have reviewed the Complaint and the official tape of my comments on the floor of
11 the House. I was especially disappointed to see that my remarks on the House floor were
12 edited so as to exclude comments I made declaring my knowledge of the Holocaust and
13 my specific reference to Jewish suffering and deaths. As a Christian who believes the
14 Bible is true, there has always been a special place in my heart and life for God's words
15 about the Jewish people. In Genesis 12:3, the Lord says regarding the Jewish nation: "
16 And I will bless them that bless thee and I will curse them that curseth thee." Here is what
17 this means in my life. If the Jew is my friend, I will be his friend. If the Jew is not my
18 friend, I will be his friend. If the Jew is my enemy, I will be his friend. If the Jew does me
19 good, I will be his friend. If the Jew does me harm, I will be his friend. If the Jew helps
20 me politically, I will be his friend. If the Jew opposes me politically, I will be his friend.
21 If the Jew should file false charges against me and seek to harm me, I will still be his
22 friend. Throughout history, to this day, the Jew has suffered great harm and betrayal at the
23 hands of others, many times from those he thought were friends. I believe at the end of it
24 all, the only real friend of the Jew will be the Christian, who believes the Bible is true. The

1 Jew shall always be my friend and thus the charge that I am anti-Semitic, in addition to
2 being false, is especially hurtful.

3 The charge of black racism is so baseless that I could not possibly know how to
4 address the issue. In my written submission, I quoted the words of Dietrich Bonhoeffer,
5 the courageous Lutheran Pastor killed by the Nazis for his brave resistance. He rightly
6 condemns both those who support evil and those who refuse to oppose it. Once again I am
7 brought before this panel. Once again, as a Christian, I hold no bitterness.

8 MR. ANDERSON: At this point, members of the panel, we'll go to my statement.
9 I was sitting in the House gallery today and maybe I got an introduction. I heard a lot of
10 words about truth and honor and integrity, and it all seemed to be coming from the
11 Democrats' side of the aisle. I'll be speaking of those concepts in my statement. I don't
12 have time to flower it up or so forth. I'm just going to deliver it as straight as I can, and
13 maybe you won't like to hear some of the things I'm going to say, but I do hope you take it
14 to heart.

15 First, a couple of housekeeping matters. I want to remind everyone that the burden
16 of proof here is upon the Complainants. What this means is that the obligation is not upon
17 Representative Lindner to disprove anything. The burden is upon the Complainants to
18 show what occurred and that it rises to the level of an ethical violation. This is probably
19 difficult under the best of circumstances, but let me show you a chart that you first saw a
20 couple of years ago, when Representative Entenza filed his first ethics complaint against
21 Representative Lindner.

22 On this chart -- I'll stand and address the chart. It'll just take a couple of moments.
23 I don't think you have to worry about the microphones. I'm going to show that ethics
24 charges have always been serious matters, as you can see. I think it was mentioned that
25 Bertram's involved something on the House floor. Well, I don't think so. I think it was

1 shoplifting and intimidating constituents. We see things there like felony theft and felony
2 security violations and theft and criminal sexual conduct and so on. You can read the chart
3 for yourselves, of course, but never speech. Not from the House floor. Down through the
4 ages, from King John who was forced to sign the Magna Carta to the present, in the
5 English-speaking world and beyond, there have always been those who knew best what
6 other free people should say and think. Until now, at least, such efforts have always failed
7 and may it ever be so.

8 As to this hearing, I requested eight subpoenas. I desired the right to examine the
9 eight individuals who brought this Complaint against Arlon. Subpoenas for a party to an
10 action are routinely granted. I'm not aware of such a request ever being denied anywhere.
11 In fact, I am not aware of anyone ever even making such an argument prior to this. Yet,
12 this request was denied on a straight party-line vote. Remember that old sad joke out of
13 Russia? Don't worry about the witnesses; we supply them. Have we reached that point in
14 Minnesota? I now see why Representative Entenza was vigorously demagoguing for an
15 open hearing when his case was so weak. He desired what he received, an open hearing
16 without any assurance there would be witnesses. With this action, the Democrats on this
17 committee have now set the precedent that anyone may file a "hit and run" ethics
18 Complaint against a member of the House and go into hiding; thus tainting the name of his
19 victim, never to be called upon to explain. For over 200 years in this country, an accused
20 has had the right to confront his accuser. Now, in Minnesota at least, before this Ethics
21 Committee when a Republican is in the dock, this right stands repealed. Thus, in this
22 unusual case, we have the accused denied his Constitutional right to confront his accuser
23 while foregoing, or at least willing to forego, his Constitutional right to remain silent.
24 When a man is not allowed to confront his accuser, his defense becomes rather difficult.
25 Clearing his name becomes almost impossible. Now, I will add, parenthetically, that the

1 Complainants did show up today. I was allowed to ask questions. I did not know that
2 going into this in advance. They requested the subpoenas be denied. They were.

3 Let me proceed now as best I can to demonstrate the absolute falsity of the charges
4 against Representative Lindner. I'm not talking about interpretation. I'm talking about the
5 falsity of these charges. Let me direct you to Page 74 of your material. You may recall
6 my interchange with Representative Entenza a couple of moments ago. Let's go right to
7 these exact words from the Star Tribune, Page 74 of your evidence book, second column
8 from the right, middle of the column, quote, We think denying the Holocaust is so
9 outrageous and so ahistorical that we'll have no difficulty showing he brought the House
10 into disrepute, end quote.

11 Now, let me show you from the official House videotape of the actual remarks, the
12 truth of the matter. At this point, I would request assistance in inserting the videotape. It
13 should be at the correct spot on the videotape.

14 Now, while this is occurring, before the videotape is turned on, let me ask you to
15 reference that loose sheet that was in your handout, the very first page. This, of course, is
16 an attachment to your Ethics Complaint. If you have the Ethics Complaint, you can
17 compare it. I'm sure it's an exact copy. Now, I have handwritten from the House floor
18 transcript where there was simply a cut and paste. Representative Lindner's remarks,
19 where he not only did not deny the Holocaust, where he specifically acknowledged it, were
20 simply cut out of his remarks. That's what was submitted to the Ethics Committee. In a
21 court of law, there would be very serious consequences for something like that. Note also,
22 on Line 4, the word "stating," that I've drawn an arrow to. That word should be
23 "studying." It changes the meaning a lot, changing that word.

24 Are we set to go on the video? Okay, let me ask you to do one further thing. Let
25 me ask you, with this sheet in hand, to turn to Page 113 of your evidence book. On page

1 113, we have typed out what you're going to hear on the videotape. So if you should miss
2 what's on the videotape, you'll have it there on page 113. And then with Page 113
3 combined with your Complaint, you will have what Representative Lindner actually said.
4 Okay, if you could play the videotape, please.

5 (Whereupon the following videotape was played.)

6 "REP. ENTENZA: ...conduct that suggests that people who were killed,
7 who were tortured, who were used as medical experiments by the Nazis,
8 were not, that goes beyond the pale.

9 SPEAKER SVIGGUM: Members, the Protest and Dissent that was given
10 to the Speaker at the desk here a few minutes ago will be printed in the
11 Journal. The member from Hennepin, Representative Lindner, for what
12 purpose do you rise?

13 REP. LINDNER: Mr. Speaker, I'd just like to make a comment.

14 SPEAKER SVIGGUM: Point of personal privilege, Representative
15 Lindner.

16 REP. LINDNER: Personal privilege.

17 SPEAKER SVIGGUM: Okay.

18 REP. LINDNER: As usual, Representative Matt Entenza gets his facts
19 wrong. This isn't the first time something like this has occurred in this
20 body and usually we prove that you're wrong. You're wrong again this
21 time. I didn't say that the Holocaust didn't exist. I've known for all my
22 lifetime, pretty much, that it did exist, And most of my life, when the word
23 "Holocaust" was referred to, it usually referred to the Jewish suffering and
24 deaths that occurred under the Nazi occupation. It's just been the rec -- just
25 within the recent two or three years that it's been brought forward that

1 neither. The Star Tribune simply didn't print it. As a last resort, we sent the March 27,
2 2003 letter to the publisher of the Star Tribune. The Star Tribune response is to be found
3 at Page 77 of your materials. Will you turn there, please. Oops, there is no Page 77. You
4 see, the Star Tribune did not even give us the courtesy of a response to this very day. Does
5 this appear to be the action of a news source dedicated to the truth? Do you think that
6 Representative Entenza is really concerned about the dignity or honor of the House?

7 As I sat in the House gallery on the evening of March 31 listening to debate on the
8 Woman's Right to Know bill, I watched as Representative Kahn rose and gave an eloquent
9 speech of how the truth is important to her, and as a child she was taught to tell the truth,
10 etcetera, etcetera, etcetera. With this in mind, note that it was Representative Kahn who
11 interjected herself in the March 10 proceedings. See page 11 of the Complaint. With the
12 comment, quote, just a correction, Representative Boudreau. Actually, the first law the
13 Nazis passed was the repeal of legalized abortion, end quote.

14 On Page 90 and 110 of your materials, you can see that this was not the first law
15 passed by the Nazis. Beyond this little technicality, though, I further point out the not-so-
16 technical matter that when Hitler came to power, abortion was still illegal. So the Nazis
17 did not, as stated, "pass the repeal of legalized abortion." Pages 101 to 102.

18 And moving even beyond this, although the Nazis did increase the penalties for
19 abortion, they enforced the penalties, basically, as to their master race. And I use those
20 words, of course, sarcastically. To put it bluntly, they were after cannon fodder, not pro-
21 life principles, where allowing abortion on races as they regarded as inferior, such as Jews,
22 Poles, etcetera, and even to the extent of the state mandating or performing the abortions,
23 and I cite the page citations. The Nazis, of course, realized that abortion was about killing,
24 not choice, and applied abortion policy merely as a tool of their wicked regime. The Nazis
25 were, thus, not the first to repeal legalized abortion. They were rather the exact opposite,

1 the first to make abortion legal. I think that Representative Boudreau deserves an apology.
2 I wonder if it will be forthcoming. We now know that liberals do not like homosexuals
3 equated with Nazis. We know that liberals, supposedly, do not like untruths from the
4 House floor. Do you think that any ethics complaint will be forthcoming against
5 Representative Kahn for apparently attempting to equate pro-lifers with Nazis? I think we
6 all know the answer to that question, do we not?

7 In addition to the now-proven falsehood of Representative Lindner denying the
8 Holocaust ever occurred, the liberals have repeatedly also used this Ethics Complaint to
9 declare that Representative Lindner denies that homosexuals were persecuted by the Nazis.
10 The most recent example of this mis-information is found on Page 3, Complainants'
11 Motion to Focus Proceedings, found on Page 81 of your materials, second line from the
12 bottom, stating that Representative Lindner denied, and I quote, that gays were persecuted
13 by the Nazis, end quote.

14 This motion was given to this committee by another two of Representative
15 Lindner's accusers, Representative Ellison and Representative Latz. But when we
16 examine the actual statements of Representative Lindner, we learn something quite
17 different. First, I refer to Page 3 of the Complaint wherein Representative Lindner is
18 quoted in the March 7, 2003 Minneapolis Star Tribune as saying, quote, it's just been
19 recently that anyone's come out with this idea that homosexuals were persecuted to this
20 extent, end quote. As I am certain that everyone on this panel can understand, there is
21 quite a large difference between saying that homosexuals were not persecuted at all and
22 saying they were not persecuted, quote, to this extent, end quote.

23 Also on Page 3 of the Complaint and the remarks on the floor of the Minnesota
24 House from March 10, 2003, Representative Lindner is quoted as stating, quote, it's just
25 been within two or three years that it's been brought forward that homosexuals also

1 suffered like that, end quote. It changes the meaning of the sentence, you see, when the
2 words, quote, like that, are deleted. As you can see, Representative Lindner has
3 consistently been questioning the extent of homosexual persecution, not whether they were
4 persecuted. The one conflicting bit of evidence is Representative Lindner being quoted in
5 the March 11, 2003 Star Tribune, see Page 4 of Complaint, as stating, quote, I am not
6 convinced that they were persecuted.

7 Yet, as I think we have just demonstrated, the Star Tribune is not really credible on
8 this issue.

9 This statement is contrary to the other two statements of Representative Lindner.
10 Furthermore, even if the Star Tribune somehow got it right, saying one is not convinced of
11 something is a much different matter than denying it.

12 Now, as to Representative Clark. Let me demonstrate that when Representative
13 Clark has one finger pointing forward at Representative Lindner, she has three fingers
14 pointing backward at herself. Let me direct you to Representative Clark's comments,
15 found on Page 9 of the Complaint. Quote -- and this is several sentences long. It will be a
16 quotation: "And I do want to address the comments that Representative Lindner made.
17 Representative Lindner, when you said that it has only been two or three years that it has
18 been known that gays and lesbians were victims of the Holocaust, you're displaying a great
19 lack of knowledge. I brought with me today a document that was shared at the press
20 conference earlier today. It says 10 million people were murdered in the Nazis' death
21 camps. I will have this made smaller if it will be useful to members of the body here. This
22 is 101 education that I learned more than 30 years ago, but you know that, I know that not
23 everybody knows it, so I'm happy to share it. I probably know it because I am an open
24 lesbian and I knew that my brothers and sisters in the millions who were slaughtered in
25 those death camps."

1 The key word here is “millions” with an “s.” This means at least two million.
2 Thus, we have Representative Clark claiming at least two million homosexual deaths in the
3 death camps of the Holocaust, and Representative Lindner saying it was less. Which is
4 closer to the truth?

5 Here, let me refer you to the material produced at Pages 85 through 90, which, as
6 you can see, comes from the internet site of the United States Holocaust Memorial
7 Museum. Let me add here, parenthetically, I notice that much of Complainants’ material,
8 to their credit, also comes from this source. It’s a nationally recognized authoritative
9 source. It’s not propaganda on one side or the other. This institution, I believe, is
10 generally regarded as America’s most authoritative source of information on the
11 Holocaust. I now refer you to Page 87 and 88 of your materials. Here it is clearly stated
12 that between 1933 and 1945, the years of Nazi rule in Germany, and I quote here: Between
13 5,000 and 15,000 homosexuals, end quote, were interned in concentration camps.

14 Five to fifteen thousand. Furthermore, of this number, we do not know the number
15 who died as opposed to the number who were eventually freed. In this regard, I refer you
16 to the last sentence of the article, which states, quote, There are no known statistics for the
17 number of homosexuals who died in the camps. Page 89.

18 Lastly, we learn that, quote, lesbians were generally not targeted for persecution,
19 end quote. Page 86. Thus, it is quite clear that any fair-minded person will conclude that it
20 is Representative Clark, the accuser, who is more deserving of scrutiny than Representative
21 Lindner, the accused. If there were any shame or decency to these eight accusers, they
22 would stand up right now and extend their apology to Representative Lindner.

23 I have, as to the AIDS in Africa issue, there is really nothing to address here other
24 than to point out that the liberals point out the AIDS problem in Africa all the time. Pages

1 11 through 23 of the materials. We've got various sources there like the Minnesota Daily,
2 the Star Tribune, you name it. The liberals say the same sort of thing all the time.

3 I have a closing paragraph, but I'm getting close to the end of time. There's
4 another issue or two I want to address with testimony, Madam Chair, if I might. I would
5 like to call Karen Anderson to the witness stand.

6 CHAIR ERICKSON: Please state your name for the record.

7 MS. ANDERSON: Karen Anderson.

8 MR. ANDERSON: Mrs. Anderson, we're going to address the issue that was in
9 the flurry last week. You're my secretary, are you not?

10 MS. ANDERSON: Yes, I am.

11 MR. ANDERSON: And you're also my wife of 22 years, is that correct?

12 MS. ANDERSON: Yes.

13 MR. ANDERSON: Now that you have the sympathy of every liberal in the room,
14 we'll proceed to the testimony. And I want to state right out front, I'm not blaming what
15 happened on a secretary. That letter went out on my letterhead. I'm responsible for it. I
16 apologize to Representative Walker for getting the name wrong. I have apologized in the
17 media and now I have the opportunity to apologize personally, and I do so.

18 Can you tell us what happened, Karen, in your own words.

19 MS. ANDERSON: Well, basically, I was supposed to send out this letter, and I
20 had these eight names, and I looked at the names, and then I typed it on the letterhead, and
21 then I looked in this little red book for the address. And on -- the very first name on the
22 list was Neva Walker, dash, with a capital "B." So I figured she has a hyphenated name,
23 so -- that's all I thought. And then when I looked in the book, I noticed that it said "Neva
24 Walker," but I thought maybe that was a typo. I didn't think anything of it. I thought, still,
25 it was a hyphenated name because this list had it that way.

1 MR. ANDERSON: Okay. Now, I think we know in retrospect that I should have
2 checked it more carefully. Perhaps there are other things that could have been done, but --
3 and normally, you are so careful in typing these names, I guess I have gotten lax in not
4 looking at the headings. Can you tell us why it happened, or why it may have happened?

5 MS. ANDERSON: Well, not knowing any of the people, of course, I didn't know
6 her at all, but I was very upset that day because I had just gotten home from Sioux Falls
7 because my mother had cancer surgery, and I was distraught because she had troubles after
8 surgery, and I -- I was upset and wasn't thinking straight, so I didn't double-check my
9 work.

10 MR. ANDERSON: Karen, are you a racist?

11 MS. ANDERSON: Of course not.

12 MR. ANDERSON: Do you believe that I am a racist?

13 MS. ANDERSON: Definitely not.

14 MR. ANDERSON: Do you have any basis for making that statement?

15 MS. ANDERSON: We have many, many friends of color and minority. My best
16 friend is Malaysian.

17 MR. ANDERSON: If we were racist --

18 MS. ANDERSON: Our photo albums are full of pictures of friends.

19 MR. ANDERSON: If we were racist, would we have friends of color, do you
20 believe?

21 MS. ANDERSON: Probably not.

22 MR. ANDERSON: Okay. Do we have photographs here to justify in case anyone
23 -- any are interested?

24 MS. ANDERSON: Yes, we brought photographs to show that we are not racist
25 people.

1 MR. ANDERSON: I have no further questions of this witness. I would like to call
2 Representative Walker to the witness stand, if she would like to testify.

3 REP. WALKER: Oh, definitely, Madam Chair.

4 CHAIR ERICKSON: Please state your name for the record, Representative
5 Walker.

6 REP. WALKER: Thank you, Madam Chair. Representative Neva Walker from
7 south Minneapolis.

8 CHAIR ERICKSON: Mr. Anderson.

9 MR. ANDERSON: Okay. You choose to testify from the table?

10 CHAIR ERICKSON: I believe she is going to.

11 MR. ANDERSON: Representative Walker, if I understood your comments
12 correctly, it was that I am racist. Do you believe that yet?

13 REP. WALKER: Madam Chair, thank you. Mr. Anderson, I don't believe you've
14 ever caught me saying that you were racist, so would you like to rephrase the question?

15 MR. ANDERSON: Okay. Well, I didn't mean to put words in your mouth.

16 CHAIR ERICKSON: Mr. Anderson.

17 MR. ANDERSON: Okay. That would not be your opinion then?

18 REP. WALKER: Madam Chair, Mr. Anderson, my statement has always been,
19 number one, I deserve the same amount of respect as the other 200 members in this body,
20 that I thank you, actually, for finally apologizing to me a week later, that you would never
21 have sent it to Chair Abrams, hyphen, Jew, or Justice Alan Page, hyphen, Black. You
22 would have made sure that that information was corrected before it was sent out. All I
23 asked was the same amount of respect --

24 MR. ANDERSON: Okay.

25 REP. WALKER: -- (inaudible) much work --

1 MR. ANDERSON: Okay.

2 REP. WALKER: -- to get there.

3 MR. ANDERSON: Okay. Representative Walker, do you believe that
4 Representative Lindner is racist?

5 REP. WALKER: Madam Chair, thank you, Mr. Anderson. I actually -- you have
6 not yet to catch me say Representative Arlon Lindner is racist. Now, what I will say is,
7 there was some statements made on the House floor that not only put this body into
8 disgrace and dishonor to African Americans in this state, but African Americans in this
9 world, by making it seem like Africa's only contribute to our society is AIDS and not
10 acknowledging the riches that they give. And since I have a moment, that the other thing
11 that this happened, you know -- statements of, AIDS in Africa is amok because of anal and
12 oral sex. Once you put statements of intolerance out there, you also give an opportunity
13 for myself to receive phone calls to say racist comments; Africans want to only have a
14 whole bunch of babies. You put opportunities out there for intolerance to contribute, to
15 breed ignorance. And so I've yet, Mr. Anderson, to call Representative Arlon Lindner a
16 racist. What I'm saying is that there should be accountability by each one of us --

17 MR. ANDERSON: Okay. I'm afraid I must break you off because I'm running
18 out of time, but thank you for your response. I only want to add in closing that the only
19 reason I did not contact you, Representative Walker, I did not feel it appropriate under the
20 circumstances, you a possible witness, and so on. I do not want to avoid apologizing to
21 you for the error. With that, Madam Chair, we'll rest our case.

22 CHAIR ERICKSON: Thank you, Mr. Anderson. I would just want to remind
23 Complainants and Respondents that approaching committee members during this hearing
24 is not acceptable.

1 The committee may now question the Respondent. We've allotted 15 minutes for
2 this segment. Are there any questions of the Respondent? Representative Davids.

3 REP. DAVIDS: Thank you, Madam Chair, and this is to Mr. Anderson. My good
4 and dear friend --

5 CHAIR ERICKSON: Excuse me, Representative Davids. Representative Pugh.

6 REP. PUGH: Madam Chair, I just wanted to get on that list for questions.

7 CHAIR ERICKSON: Thank you. We have you on the list. Representative
8 Davids, proceed.

9 REP. DAVIDS: Thank you, Madam Chair, and to Mr. Anderson, my good and
10 dear friend, the honorable Representative Matt Entenza, brought up a case on how I voted
11 on a totally different case. I would argue that it was not at all the same thing. It wasn't
12 about speech on the House floor. Yes, I voted to expel, and much of the -- we took days
13 and days of testimony in secret. At that time, that's the way the committee worked, and so
14 Representative Entenza brings up the Bertram case dealing with evidence he knows
15 nothing about. My vote on the case --

16 CHAIR ERICKSON: Representative Davids, do you have a question?

17 REP. DAVIDS: Yes, I do. Yes, I do. So to bring up to this committee the Bertram
18 case -- I was somewhat admonished for bringing up a previous case myself -- so my vote
19 on a case that he has no knowledge about as far as the evidence of what we heard because
20 it was secret, do you believe that that's fair or relevant to this proceeding?

21 MR. ANDERSON: No, I do not, Representative Davids. And beyond that, from
22 what I learned, the case wasn't about any such thing as Representative Entenza stated.

23 REP. DAVIDS: Thank you, Mr. Anderson.

24 CHAIR ERICKSON: Representative Pugh.

1 REP. PUGH: Thank you, Madam Chair, and Mr. Anderson, you made a couple of
2 points. One was, you had asked for subpoenas so that you could require all eight of the
3 Complainants to be here tonight. They are here tonight. You had less than 15 minutes
4 worth of questions for them during your allotted time. Are you satisfied that you've had
5 enough time to inquire of the Complainants tonight?

6 MR. ANDERSON: Well, I guess my position with cases, Representative Pugh, is I
7 take them as they come. I don't set the rules. I don't wear the black robe or the
8 Representative's badge. I take the rules as they come and operate within them.

9 REP. PUGH: And Madam Chair, Mr. Anderson, you also talked --

10 CHAIR ERICKSON: Representative Pugh.

11 REP. PUGH: -- a bit about the cutting and pasting of testimony, and I'd like to
12 point out two examples, perhaps for your response. Would it be fair that you stopped at
13 least the public reading of Representative Clark's statement on Page 8 of the Complaint
14 after the reference to the millions of brothers and sisters? You stopped at that period,
15 correct?

16 MR. ANDERSON: I'll have to check and see where it stopped. I will do so. It
17 stopped -- yes, that is correct.

18 REP. PUGH: And if you go on to that next statement, Madam Chair --

19 CHAIR ERICKSON: Representative Pugh.

20 REP. PUGH: This is cumbersome this way. Madam Chair. Mr. Anderson, if you
21 go on to the very next sentence, she talks about showing the symbols of all different kinds
22 of minorities that were involved, and it could be interpreted, could it not, that she was
23 talking of her millions of brothers and sisters in minorities who were, in fact, persecuted -
24 Jews, gypsies, gays, lesbians - if you read the entire statement?

1 MR. ANDERSON: That would be quite a stretch. I think in context, it's evident
2 that she was talking about brothers and sisters, homosexual nature.

3 REP. PUGH: Madam Chair, if I might follow up with one other question of Mr.
4 Anderson.

5 CHAIR ERICKSON: Go ahead, Representative Pugh.

6 REP. PUGH: In terms of cutting and pasting, there was a remaining bit of
7 Representative Lindner's statement that was not available for us to view on the tape, is that
8 not correct?

9 MR. ANDERSON: Well, yes, but you picked that part up right. That's why I
10 didn't show it.

11 REP. PUGH: So the statement about the continent of Africa, you don't have any
12 problem with.

13 MR. ANDERSON: Well, you could watch it but it's also in your materials. You
14 got that part right. It was the part you got wrong that I put into evidence. I had a short
15 enough time as it was, I don't need to go over redundant material.

16 And I might add, in follow-up to the previous comment that was made, she went
17 into gypsies, Jehovah's Witnesses, and so forth. I mean, I don't see how she could classify
18 that as "brothers and sisters."

19 REP. PUGH: Madam Chair?

20 CHAIR ERICKSON: Yes, Representative Pugh.

21 REP. PUGH: I had a question for Representative Lindner. Would that be in order
22 as well?

23 CHAIR ERICKSON: Absolutely.

24 REP. PUGH: Madam Chair, Representative Lindner, not during your statement,
25 but in the statement by your attorney, your attorney indicated that you may not be in

1 agreement with the statement that appeared in the Star Tribune, that you were not
2 convinced, I think that appeared on March 11th, if I'm not mistaken. Do you deny that you
3 made that statement --

4 MR. ANDERSON: Wait --

5 REP. PUGH: -- Representative Lindner?

6 MR. ANDERSON: -- I addressed that issue. Should you not be addressing me?

7 REP. PUGH: Madam Chair, I prefer to have the answer from Mr. Lindn --

8 Representative Lindner rather than his attorney.

9 MR. ANDERSON: I think courtroom evidence --

10 CHAIR ERICKSON: Representative Lindner.

11 REP. LINDNER: Thank you, Madam Chair, and Representative Pugh, to be
12 honest, I would have to -- there's been a lot of articles in the paper at different times over
13 the last month pretty much, and I'd have to see it to be able to answer that.

14 REP. PUGH: Well, Madam Chair, I think we have it on a big --

15 REP. LINDNER: Well, I couldn't see that placard, Representative Pugh. That was
16 all facing the other direction. I didn't see a one of those.

17 REP. PUGH: If we showed it to you now, would you have the ability to
18 remember?

19 REP. LINDNER: I would have a better ability to remember.

20 REP. PUGH: Chair, if we could just take a second. I don't know if we need the
21 stand, necessarily. March 11, this year.

22 REP. LINDNER: That looks like, you know, part of the comment, and I'd have to
23 see the whole comment in context before I could really answer that, but I have made other
24 comments about, you know, realizing that some homosexuals were persecuted during the

1 Holocaust but didn't know to the extent of how many or when that information was
2 available.

3 REP. PUGH: Madam Chair, Representative Lindner, would that statement be
4 inconsistent with what you were thinking that day?

5 REP. LINDNER: Inconsistent with what I was thinking, Representative Pugh. As
6 I recall, the day that that -- that I made that statement, I was called out of a committee
7 room and faced probably at least six or seven reporters with cameras and everything that I
8 wasn't expecting. I'm not sure if it was what I was thinking or not that particular day, to
9 be honest.

10 CHAIR ERICKSON: Representative Murphy.

11
12 REP. MURPHY: Thank you, Mr. Chair. Mr. Anderson, I didn't quite understand
13 the testimony of Karen Anderson where she said she was reading from a list with Neva
14 Walker "B." Where did the "B" come from? I --

15 MR. ANDERSON: Since this is a claim that involves contentions of, as I
16 understood it, black racism, Jewish racism, and anti-homosexual, and since you have
17 certain of the claimants who are black, Jewish, homosexual, I constructed a list with brief
18 characteristics of each of the individuals. And one of the characteristics of two of the
19 individuals is that they are black. One of the characteristics of two of the individuals, as I
20 understand it, is that they are Jewish. One of the characteristics of one of the individuals, I
21 believe, is that the individual states to be homosexual. So the individuals were identified
22 as to who was who so I could understand better who would be making which claim. And
23 in direct answer, Representative Walker was identified as "black," her race.

24 REP. MURPHY: And so Karen Anderson then just put "Black" as the hyphenated
25 last name --

1 MR. ANDERSON: Assumed it was part of her --

2 REP. MURPHY: -- she didn't with the Jewish or she didn't with the --

3 MR. ANDERSON: Well, no, but understand, though, of course, that, you know,
4 "Jewish" stands out. I mean, it's not likely to be somebody's last name. This one did not.
5 And one other thing I might add. There was a hyphen between Representative Walker's
6 last name and "black." The others were separated by commas, so it couldn't have
7 happened as an accident on the others.

8 REP. MURPHY: -- Representative Anderson-Kelliher.

9 MR. ANDERSON: That's right. We did get her name right, fortunately.

10 REP. RHODES: Madam Chair.

11 CHAIR ERICKSON: Representative Rhodes.

12 REP. RHODES: Madam Chair, I want to ask the question, but before that I want to
13 make a comment to the audience. This is pretty serious stuff and this is a institution that's
14 the best that anybody could ever be a part of, and I do not appreciate the snickering, the
15 laughter, and once in a while, a little applause. So I would ask you, Madam Chair, to
16 please keep the decorum here like it should be in this very serious proceeding. This is not
17 a courtroom. This is a committee room and we do have decorum in the House.

18 Mr. Anderson, number one, you mentioned Jewish racism just now. Just tell you
19 that Judaism is a religion, in case you didn't know that. Number two, I appreciate your
20 comments about the issue dealing with letters going out and all that, but the real issue at
21 hand is what the Complaint is about. And I would request that we see the entire video of
22 the House proceedings from the beginning of the -- that's part of the dialogue of the
23 session. I don't know how you're going to get it up on the tape, but I'm trying to get is,
24 the beginning where the issue comes up to the very end because I think that would be
25 helpful to keep everything in context. We hear a lot of "cut and paste." I'm not an

1 attorney; I don't know about cut and paste. All I know is what I see and what I hear, and it
2 would certainly help me to get that.

3 And one other request and that is, I would like to have the official language of what
4 censure is, perhaps by Ms. McKnight. I mean, the actual dictionary words, and however
5 Ms. McKnight wants to portray it and try to get that on the record, if I may.

6 MR. ANDERSON: Addressing your comments, we do have the full tape there so it
7 is available to the committee. We have it available for that purpose.

8 CHAIR ERICKSON: Ms. McKnight, would you answer the question that
9 Representative Rhodes just asked about censure.

10 MS. MCKNIGHT: Madam Chair and Representative Rhodes, in the committee's
11 procedures for Rules of Procedure for Use in Disposing of a Complaint, Item 12,
12 Recommendations for Disciplinary Action lays out the kinds of disciplinary action that the
13 committee may recommend. And Representative Rhodes' question was with regard to
14 censure. That is in Paragraph B of Part 12 and it states as follows: "Short of expulsion,
15 censure is the strongest formal statement of disapproval of the conduct of a member by the
16 member's peers. It is used to condemn very serious misconduct that does not justify
17 expulsion from the House. Censure is carried out by a majority vote of the House, through
18 the adoption of a resolution of censure that is entered in the permanent Journal of the
19 House."

20 CHAIR ERICKSON: Thank you, Ms. McKnight. Representative Rhodes, did you
21 have a further question?

22 REP. RHODES: Well, Madam Chair, Ms. McKnight, but the word "censure"
23 means what exactly in the dictionary, if I may ask. What I'm trying to get at is that this is
24 the complaint that we've -- the word is used, and I want to be sure that I understand it

1 correctly. And if you want to do it on somebody else's time, that's fine. I just need the
2 explanation in the dictionary.

3 CHAIR ERICKSON: Are there any other questions from committee members?
4 Representative Mahoney.

5 REP. MAHONEY: Thank you, Madam Chair, and this is a question for
6 Representative Lindner. In your testimony -- not in your testimony, but in the transcripts,
7 you talked about studying the Holocaust. Can you tell us what books you've read?

8 REP. LINDNER: Madam Chair and Representative Mahoney, I'm not sure if I
9 could tell you all the books I've read. Many of the books I read, you know, growing up
10 since I was a child during World War II and my dad fought in the War in Guam, I don't --
11 you know, I don't remember all the titles and so forth, but it was mainly related to the
12 fighting that went on and not necessarily about the Holocaust. I probably wasn't aware of
13 that until, you know, in 1945 as information started coming out as a result of the camps
14 being liberated by the armed forces and Jewish people and other survivors of the
15 concentration camps were released. You know, I began to see pictures on the news of
16 them and so forth, and the other books that I've been given to read since this has come up
17 is the -- I think it was, "The Pink Triangle," "The Pink Swastika." There's a couple others.
18 I don't know if I can come up with them now. I haven't read all of them yet.

19 REP. MAHONEY: Madam Chair.

20 CHAIR ERICKSON: Yes, Representative Mahoney, go ahead.

21 REP. MAHONEY: Thank you, Madam Chair. Representative Lindner, on the
22 House floor, you suggested that you had just started reading about the Holocaust three
23 years ago. Can you come up with the book that you were reading three years ago?

24 REP. LINDNER: Madam Chair, Representative Mahoney, I don't believe that's
25 what I said. I just said it had just -- I think my words were, it had just been the last two or

1 three years that this information was coming forward, and I was referring to homosexuals
2 being persecuted to that extent, you know. Like I say, I've always associated the
3 Holocaust with basically the six million Jews that were killed. I always felt like that was
4 the reason we remembered it and kept it in our minds, because of the sufferings of the
5 Jews. That's mainly what I've always heard about in my life. It hasn't been about
6 homosexuals, it hadn't been about all the other Christians or gypsies or anyone else that
7 were -- you know, that suffered during that time. I know many people did, but there just
8 hasn't been that much emphasis put on those people as it has been the Jewish people.

9 CHAIR ERICKSON: That part is concluded. Complainants, you now have 15
10 minutes for a closing statement, and please identify yourselves as you speak.

11 REP. ELLISON: Madam Chair --

12 CHAIR ERICKSON: Wait, Representative Ellison. The timer's not quite ready.
13 Representative Ellison, you may begin.

14 REP. ELLISON. Madam Chair and members, we call upon you to make a
15 statement of disapproval. That's what censure is. It's a statement of disapproval and it's
16 written in the rules. That's what's warranted here. We could ask for expulsion; we don't.
17 We ask you to recommend that he, that Representative Lindner, his views, his statements
18 be formally disapproved of by this committee so that this can go on to the House floor so
19 that we can address this as a body. That's what we're asking for.

20 I think that if we look at the book -- at the placards that we've presented, that it's
21 clear. Representative Lindner did not merely -- that Representative Lindner, in fact, did
22 deny the Holocaust. I can't improve on what Ms. Kibort said. She said, if you deny as to
23 one, you deny as to all, and that's the point we're making here tonight.

24 You have the full transcripts. We can't write it all on the boards. Even after he
25 was instructed and educated by Karen Clark and many, many others, he persisted: "I'm not

1 convinced that they were persecuted.” That’s what he said. He didn’t want to believe it.
2 His own attorney says that anybody who denies the Holocaust has either got to be a bigot
3 or not very smart, I believe was a paraphrase of what he said. I think that his attorney was
4 correct in that regard. The fact is that this case is about statements that brought us into
5 disrepute. These people here today are watching this committee, and they would like to
6 know what it is that this committee would do. Restore the honor and dignity of this board.

7 Now, it’s particularly interesting that the insult to Africa and people of African
8 ancestry is completely dismissed, so baseless. Here it says: “If you want to sit around here
9 and wait until America becomes another African continent...” That’s insulting,
10 Representative Lindner, to Africa and everyone from Africa. Africa is more than one big
11 disease. Africa is a continent full of millions and millions of people. Africa -- in fact,
12 AIDS is localized in certain parts of Africa. Africa’s not a country. Africa is a whole
13 continent, 57 countries. And the fact of the matter is, United States has a plague of Africa,
14 Asia does, South America does, the whole world does. It is insulting to depict us as
15 merely a disease, which is what you did. That brought this House into disrepute.

16 And you asked -- your lawyer asked us to apologize to you. Where is your apology
17 forthcoming? Today, you haven’t even said today that, yes, I now acknowledge that gays
18 were persecuted in the Holocaust. In your statement, you have yet to say it. This brings
19 dishonor.

20 Chair, Madam Chair and members, I’m going to now ask Representative Latz to
21 take on the next segment of our final presentation. I would like you to know before I sit
22 down, and Representative Clark very emphatically would like you to know, that when she
23 said, “brothers and sisters,” she meant the human family. That’s what she meant. That’s
24 what she said. That’s the kind of person that she is.

25 Representative Latz.

1 REP. LATZ: Madam Chair and members, this is a probable cause hearing, and you
2 are charged with two determinations. One is whether or not the facts alleged were more
3 likely true than not, and I submit to you that there is really no dispute about whether or not
4 Representative Lindner made the statements he is alleged to have made both on the House
5 floor and subsequent statements. He does not deny the accuracy of those transcripts, if you
6 will.

7 And then the second question is whether or not those statements tend to support
8 disciplinary action. "Tend to support," not "should there be disciplinary action." That's
9 not your question at this stage in the proceedings. Do the statements tend to support
10 disciplinary action? Specifically, do the statements tend to violate the norms of House
11 conduct and do the statements tend to bring the House into dishonor or disrepute? Thus,
12 you must measure the statements against the standards of whether or not they tend to bring
13 the House into dishonor or disrepute and with regard to the conduct.

14 Now, those standards as to the question of bringing them into dealing with the
15 norms of the House conduct, I suggest to you the appropriate standard is that we expect
16 members to have some modicum of truth or accuracy about their statements, especially and
17 most importantly, after they have been provided with incontrovertible proof that their
18 statements are factually inaccurate. Persisting in repeating the falsity, the canard of
19 Holocaust denial, and I use that term loosely, as it is used generally and as I believe it has
20 been used in this proceeding, Holocaust denial and historical revisionism. Persistence in
21 repeating that falsity is below the norms of House conduct.

22 The second standard has to do with dishonor or disrepute. That consists of the
23 impression made on outside observers about our honor or reputation as a legislative body.
24 It also can be used to refer to prior cases and statements by leadership about those cases.
25 That's where you should draw the line for what standard is appropriate. The evidence with

1 regard to that standard is the voluminous public response condemning Representative
2 Lindner's remarks: state, local, and national voices, individuals, organizations, newspaper
3 editorial boards, and letters to the editors. Particularly poignant -- it is particularly
4 poignant that the offending statements came from a leader of the House, one who has been
5 elected by his caucus colleagues, a senior member of the House who chairs a committee.
6 As such, he is perceived as speaking on behalf of those whom he leads. You will now
7 have an opportunity to emphatically deny that he is so speaking.

8 The question of the definition of "Holocaust" has been raised, and that is not really
9 the issue before you. "Holocaust" is a term which does contain a specific academic
10 definition, but that is not what is relevant here. The language that Representative Lindner
11 used on the House floor is generally referred to in the category of Holocaust denial because
12 denial of persecution of sexual orientation is a form of Holocaust denial in the broader
13 sense of the term, and that is a statement by Dr. Stephen Feinstein from the University of
14 Minnesota Center for Holocaust and Genocide Studies. The standard argument is found in
15 the book, "The Pink Swastika," which believes that the Nazis were a bunch of
16 homosexuals themselves, that their anti-homosexual laws, Paragraph 175, was a fiction
17 and tries to suggest that homosexuality is responsible for everything evil in the last 3,000
18 years. That is the book to which Representative Lindner referred in subsequent media
19 reports in justifying his comments. It is a book published by a far right-wing publishing
20 house in Wisconsin.

21 There is no doubt that Representative Lindner's statements were offensive, bigoted
22 and dishonorable. They are demonstrably false. They consist of historical revisionisms.
23 No serious historian subscribes to those views. Neither should this body. I now ask
24 Representative Entenza to speak to remedy.

1 REP. ENTENZA: Madam Chair, members of the committee, and Representative
2 Rhodes, I take what you say to heart. It is not easy when we have a member before us, a
3 senior member of this body, the chair of a committee, to take action. But I think we need
4 to look at the history of this body and the seriousness of the remarks that Representative
5 Lindner made. Let me quote in one of the letters, Representative Erickson, that I hope you
6 take the time to read, from the Reverend Peter Rogness, Bishop of the Evangelical
7 Lutheran Church of America in St. Paul, and he says, in part, in his letter: "Historians
8 have shown that homosexual persons were among those persecuted by the Nazis during the
9 Holocaust. I am embarrassed by any statement by anyone in government who would seek
10 to distort or minimize the atrocity. I cannot understand any Christian response other than
11 sorrow and repentance for such acts." He concludes: "Irresponsible and inaccurate
12 statements on the part of any governmental figure must be refuted for the sake of civil and
13 informed discourse." Likewise, in a statement, also in your packet, by eight leading
14 members of clergy, rabbis, and Christian leaders, they conclude that: "I am lending my
15 voice to this debate, as a representative of the community, in the hope that you will act to
16 restore that honor and credibility of our government by expressing the view that
17 Representative Lindner's comments do not accurately reflect the sentiments of the
18 Minnesota House. His words have brought dishonor and disrepute to our state, to our
19 community and to the Minnesota House of Representatives."

20 This shameful, shameful conduct, now we're trying to argue that perhaps he is just
21 minimizing the extent of persecution, or that perhaps his words were not entirely
22 understood, when his statements are clear, making it clear that he accepts part of the
23 victimization of the Holocaust of Jews, but apparently, not of gays and others. That is
24 unacceptable, and the entire lack of any discussion on the statements about the people of
25 Africa, also absolutely outrageous. But Madam Chair, we are called to act. This Ethics

1 Committee on two previous occasions, as I said in our case in chief has acted in matters
2 where there is no criminal or civil matter: in the case of Jeff Bertram and in the case of
3 whether or not Representative Bob Pavlak should be seated. I'd like what I think is one of
4 our more authoritative figures to speak to the matter of whether or not statements by
5 themselves should be used for discipline.

6 (Whereupon the following videotape was played.)

7 "REP. SVIGGUM: The first year I was elected, in 1978, the very first
8 actions on this House floor during that time was a question of whether it
9 would seat one of our own members who had been elected. The question
10 before us was Representative Bob Pavlak and whether he would be seated.
11 We chose that day not to seat Representative Pavlak in a day that I will
12 remember 'til the day I die. And the reason that Representative Pavlak was
13 not seated, as many members of this body well know who were there, who
14 voted, who were there, who brought forward the Complaint, as you can see
15 in what I brought forward to you, was that there were false statements with
16 respect to personal and political character that had taken place. False
17 statements in regards to personal and political character. Members, I will
18 contend to you that the situation today, if it was warranted in 1978, it is
19 many, many, many times more warranted the action today."

20 (Whereupon the videotape ended.)

21 REP. ENTENZA: Madam Chair, the words of our Speaker, Steve Sviggum,
22 moving not for the censure, but for the expulsion of Representative Jeff Bertram.
23 Representative Bertram -- and Representative Davids, I know that matter well, having read
24 voluminous transcripts of the hearing, parts of which were private, but many of which
25 were public, having consulted individuals with that case, and the facts are clear.

1 Representative Bertram committed no criminal act. He committed no civil act that was
2 brought up during that hearing. He said terrible things about constituents. He said terrible
3 things about them. He said that people were sleeping with one another. He said that
4 people were not acting within the confines of their marriage. He claimed that people might
5 be molesting other people. And you know what? That was wrong. As a body, we decided
6 to censure him, but the Minority Report, which you voted for, Representative Davids, in
7 committee and on the floor, was that he should be expelled. And I quote from you,
8 Representative Davids, on the floor, when you say, "I voted to expel at that time. We were
9 deadlocked. The committee was deadlocked. I did not feel it would be fair to the victims
10 of the people of this great state not to have the situation go further. Had we continued to
11 be in a deadlock situation, the motions would have died in committee. I was unwilling for
12 that to happen so I changed my vote from expulsion to censure."

13 There is no question what this committee needs to do. Representative Lindner, like
14 all of us, is not without fault. We all make mistakes. But as Representative Sviggum,
15 when he moved for expulsion for bad statements by Representative Bertram, he said some
16 things are fouls and some things are technical fouls. This is a technical foul. We are not
17 denying him his First Amendment rights. What we are saying is that we must speak
18 collectively, as a body, and Madam Chair, the issue is, will we stand up or will we
19 continue to have a proceeding where the members of this committee and the House are not
20 given an opportunity to speak? I hope that we will not find that happening.

21 CHAIR ERICKSON: The Respondent now has 15 minutes for a closing statement.
22 Please identify yourself for the record.

23 MR. ANDERSON: Thank you, Madam Chair. My name is James Anderson,
24 attorney from Marshall. I probably will not be needing my entire 15 minutes. I would also
25 like to take an approach such as that used by the Complainants. I would like to have

1 another individual make my closing statement for me, an individual whose words I should
2 think you might find more persuasive than mine. I would like to call upon Representative
3 Keith Ellison to make our closing statement. I happened to have him on tape here, audio
4 tape. I request that that be played. The subject is that which we are dealing with, and
5 before I'm accused of cutting and pasting here without revealing it, these are selected
6 comments taken from a radio interview, of which I have the entire tape. Representative
7 Rhodes' earlier comments are well taken. The entire context and content of an important
8 statement should be given to those determining it, so I have the entire tape right here. I'm
9 certain the committee will probably desire to listen to that. There's a lot of commercials
10 and hee-haw and so forth on there, but the entire tape is available.

11 This is a radio interview of Representative Keith Ellison on KSTP, O'Connell and
12 Wodele Show. This interview took place on March 12, 2003, which coincidentally, is just
13 a day after the Complaint was filed, so I'm certain events were still fresh in everyone's
14 mind.

15 REP. ENTENZA: Madam Chair, this is what the case in chief is for, and now
16 we're on closing statements and we have new evidence being presented to this committee,
17 which is clearly outside of the scope of the rules --

18 CHAIR ERICKSON: Representative Entenza, you do not have the floor. Mr.
19 Anderson is giving his closing statements.

20 REP. ENTENZA: Madam Chair, I'm inquiring about --

21 CHAIR ERICKSON: Proceed, Mr. Anderson.

22 REP. ENTENZA: -- the rules, Madam Chair, not that those seem to matter today,
23 but I'm asking if the rules are going to be followed. Evidence comes --

24 CHAIR ERICKSON: This is closing statements --

25 REP. ENTENZA -- in through case in chief--

1 CHAIR ERICKSON: -- Representative Entenza. Proceed, Mr. Anderson.

2 REP. ENTENZA: I would expect no less, Madam Chair.

3 MR. ANDERSON: You might have the wrong side of the tape. It does start at the
4 beginning of the tape.

5 (Whereupon an audiotape of the KSTP O'Connell and Wodele Show was played.)

6 MR. ANDERSON: Madam Chair, I rest my case.

7 CHAIR ERICKSON: The hearing for presentations and testimony now ends.

8 MR. ELLISON: I'd move for rebuttal.

9 CHAIR ERICKSON: Members, you have received testimony and submitted
10 evidence from the Complaints and Respondents. We may now conduct our business;
11 namely, to determine whether or not there is probable cause to recommend disciplinary
12 actions.

13 REP. PUGH: Madam Chair, it's about 10:00 at night and I think we're faced with
14 a continuing floor session yet this evening. We've been handed a document several
15 minutes ago that consists of a hundred-some pages of materials. For some of us, just
16 earlier today we received documents from the Complainants that number a fair number of
17 pages as well. There's also a tape that I think I'd be very curious to hear in its entirety of
18 the radio interview.

19 And for those reasons, Madam Chair, I don't know what the procedure would be,
20 but it would seem to make sense to me to adjourn this meeting, set another time to come
21 back and have the discussion on probable cause, and in the meantime, be able to review the
22 documents at our leisure. I don't know if we'd have to listen to the tape, but the public
23 meeting, that may be most appropriate and to view the videotape in its entirety, as
24 recommended by Representative Rhodes.

1 So Madam Chair, I would request that, I think the proper term is that we recess this
2 meeting because it is – we'd continue the probable cause portion at a later date. If you
3 want to set that date, that would be fine with me, but I just don't think it would be
4 appropriate to continue tonight with the bulk of information I would want to review before
5 proceeding to making a decision.

6 CHAIR ERICKSON: Representative Pugh moves for recess. Is there any
7 discussion? Representative Rhodes.

8 REP. RHODES: Thank you, Madam Chair. I too concur with Representative
9 Pugh. My question is, if we're going to listen to the complete floor session tape, the
10 segment that we need to listen to, I guess, and the audio tape of the other stuff --
11 Representative Pugh, I guess the question would be for you, are you anticipating that we
12 would come back, hear this stuff, and then recess again? Or give me an idea where you're
13 going here.

14 CHAIR ERICKSON: Representative Pugh.

15 REP. PUGH: Representative Rhodes, I had no greater design than to not complete
16 the work tonight. Whether we do that in two steps, one, two or three steps is fine with me,
17 but it --

18 REP. RHODES: Well, Madam Chair --

19 CHAIR ERICKSON: Yes, Representative Rhodes.

20 REP. RHODES: What I'm thinking about is, I think if we're going to listen to the
21 tape and audio, we should do it as a committee, rather than doing it in our individual
22 offices, unless the committee feels they don't want to do it that way, but I just think it
23 would be easier, but that's --

24 REP. PUGH: Madam Chair.

25 CHAIR ERICKSON: Representative Pugh.

1 REP. PUGH: Madam Chair, that would seem appropriate. In fact, the reason I
2 mentioned with the tape is, it would probably be more convenient to hear it as a group. I
3 don't know how long the tape is. It might be something we could play even at this time.

4 CHAIR ERICKSON: Representative Pugh, we can have copies made if you, in
5 fact, want to listen to it individually also. Representative Mahoney.

6 REP. MAHONEY: Thank you. I was just going to ask if you would make
7 individual copies of the tape and provide them to members of the committee who would
8 like them, because I myself would like them. Although, I still think it is a good idea to
9 play the tapes when we come back to deliberation, but do you have an idea how long it
10 might take you to get copies of the tape made?

11 CHAIR ERICKSON: Representative Mahoney, it would probably take us a few
12 days, maybe three, three or four. I'll call on Mr. Tremere. maybe he can help us out.

13 MR. TREMERE: Madam Chair, Representative Mahoney and members, we surely
14 can make copies of tapes. I guess, staff would like to be clear that first, we're talking
15 about an unedited tape of the house floor videotape. I think we're also talking about a
16 copy, or copies, of the complete program that was referred to by Mr. Anderson. He's got
17 two tapes. I just want to be clear, do you want both? Is that what your preference is? It's
18 not a problem.

19 REP. MAHONEY: Both of them is just fine.

20 MR. TREMERE: Okay. And then there was a tape presented here that we don't
21 have a copy of at this time, and I'd ask Complainants to leave it with us, is the other one of
22 the earlier House session when Speaker Sviggum was talking. Do you want that, or do you
23 want to just see that as a committee?

24 CHAIR ERICKSON: Representative Mahoney.

1 REP. MAHONEY: Thank you, Madam Chair. I think that's certainly short
2 enough. I think it was only a couple of minutes long. I don't really need it. I'm more
3 concerned with having an hour to try to listen to it and kind of digest it.

4 MR. TREMERE: Madam Chair, I think we could probably have those products by
5 the end of the week to the members.

6 CHAIR ERICKSON: Representative Davids.

7 REP. DAVIDS: Thank you, Madam Chair. Might I suggest -- I do agree with my
8 good friend Representative Pugh that we do have some things that we should look at.
9 There's this copy that was given to us and other things that were sent to us. And I too,
10 Madam Chair, have tried to stay away from any influence from others on this issue and
11 wanted to hear the evidence. Now I think it's a good time to look and read and grab
12 everything we can, but possibly, if the committee would agree that we can do the reading
13 on our own and maybe get together as a committee to listen to some tapes, review some
14 tapes, I have no problem with that, but that there be no more testimony from the
15 Complainants or the Respondents and that we would go in that order. And then the
16 committee has to decide if we're going to close the hearing or keep it open. I'd suggest we
17 keep it open, but I would think that the committee might want to, as a committee, at a
18 formal meeting, take a look at the tapes, listen to the tapes, but read the things that have
19 been handed out on our own. Just a thought.

20 CHAIR ERICKSON: Are there any other questions from members? The meeting
21 is in recess to the call of the chair.

22 (Whereupon the meeting was recessed at 9:49 p.m.)

23

24

ETHICS COMMITTEE

MINUTES

Representative Sondra Erickson, Chair of the Ethics Committee, called the fourth meeting to order at 7:38PM on Monday, April 7, 2003, in Room 10 of the State Office Building.

The Clerk noted the roll.

Members present:

ERICKSON, Sondra, Chair
PUGH, Tom, Vice Chair
DAVIDS, Greg
MURPHY, Mary
MAHONEY, Tim (Alternate)
RHODES, Jim (Alternate)

A quorum was present.

Rep. Davids moved the minutes: March 31, 2003. **THE MINUTES WERE APPROVED.**

Rep. Erickson introduced the committee and staff and gave an explanation of the Committee's rules of procedure. She explained the format of the hearing approved unanimously by the Committee and the allocation of time increments for presentations, rebuttals, and summaries by the Complainants and by the Respondent.

General comments were offered by Rep. Pugh, Rep. Mahoney, and Rep. Entenza.

Beginning at 7:45p.m. – Rep. Ellison presented information on the complaint that was filed by the following House Members: Keith Ellison; Matt Entenza; Karen Clark; Ron Latz; Margaret Anderson-Kelliher; Neva Walker; Frank Hornstein; Lyndon Carlson; against Rep. Arlon Lindner in order to establish probable cause. (Refer to exhibit packet and formal complaint document).

Rep. Latz 7:56PM presented supporting material to their case and referred to the packet of materials submitted by the Complainants through the DFL caucus the previous week, and introduced witnesses. Display boards containing various comments published in the media were shown.

Testifying in support of the filed complaint:

Hinda Keibor, Minnesota resident and a survivor of the Holocaust
Reverend Gallmon, President of Minneapolis NAACP

Rep. Latz stated that the Complainants seek censure of Rep. Lindner and his removal as chair of his standing committee. He closed the initial presentation.

Presentation and Testimony by and for the Complainants concluded at 8:15PM.

Beginning at 8:20 p.m. – Mr. James Anderson, attorney representing Rep. Lindner, asked questions of Rep. Latz, Rep. Ellison, Rep. Entenza, and Hinda Keibor.

Questions by the Respondent concluded at 8:25PM.

Committee members asked questions of the Complainants.

Questions by the Committee concluded at 8:42PM.

Beginning at 8:44PM – Rep. Lindner, District 32A, the Respondent, presented information in response to the filed complaint.

Mr. James Anderson, attorney representing Rep. Lindner, presented distributed written materials to supplement the Respondent's remarks.

Testifying in support of the Respondent:

Karen Anderson, secretary employed by the Respondent's attorney

Mr. James Anderson commented about correspondence from his office and the reference therein to Neva Walker, State Representative and complainant in this case. Rep. Walker replied to the explanation.

Mr. James Anderson presented display boards regarding actions of earlier Ethics Committee actions and he presented a video tape of House Floor remarks that are noted in the written materials.

Presentation and Testimony by and for the Respondent concluded at 9:14PM.

Committee members asked questions of Mr. Anderson, and Rep. Lindner.

Rep. Rhodes suggested that the Committee should obtain a videotape of the entire portion of the House Floor session that included Rep. Linder's remarks. Committee Administrator Tremere said that could be done in about one week. Rep. Rhodes also inquired about the term, "censure," as it is used in House Rules and by the Ethics Committee. House Researcher and Committee Counsel Deborah McKnight explained the use and meaning of the term.

Questions by the Committee concluded at 9:29PM.

Beginning at 9:30PM – Rep. Ellison, Rep. Latz and Rep. Entenza presented closing remarks for the Complainants. Some of the display boards shown earlier were presented. Rep. Ellison reiterated that the Complainants sought action by the Committee that would lead to discipline consisting of censure. He requested that the Committee formally disapprove of Rep. Lindner's remarks cited in the formal complaint, find probable cause, and make a recommendation for disciplinary action so the matter could be referred to the House Floor.

Rep. Latz reviewed the materials and information presented by and for the Complainants.

Rep. Entenza offered remarks and played a video tape of an earlier House Floor session including a speech by then Minority Leader Steve Sviggum regarding another Ethics Complaint case wherein the then Ethics Committee had referred the matter to the House. The speech included the minority leader's advice to Members regarding appropriate discipline.

Closing remarks by and for the Complainants concluded at 9:43p.m.

Beginning at 9:45p.m. - Mr. James Anderson, attorney for the Respondent, presented closing remarks. He played an audiotape of a recent radio program, which included Rep. Ellison, a complaint in this case, who offered comments about matters in the Complaint filed against Rep. Lindner. Rep. Entenza, Complainant objected to the presentation of "new evidence." The Chair allowed the presentation. Mr. James Anderson presented a written transcript of the portion of the radio program he had played on tape, and he stated he had the entire program on tape.

Closing remarks by and for the Respondent concluded at 9:51p.m.

Rep. Pugh requested that the Chair recess the meeting and that the Committee take up deliberation of probable cause at a later date. He noted the hour, the amount of written materials submitted, and the audio and visual materials presented.

Rep. Rhodes and Rep. Davids concurred. Rep. Rhodes suggested that the full committee should review the matter once members had an opportunity to review all the materials. Rep. Mahoney requested staff to obtain copies of the various tapes that were presented.

Chair Erickson stated that the next meeting time will be at the Call of the Chair, and may depend upon the duration of the regular House Session. The time and place of the next meeting will be publicly announced.

The meeting was recessed at 9:53PM.

The meeting was reconvened on April 24, 2003 at 8:07AM.

Rep. Erickson reminded the committee of the role of the Committee. She said the Committee should decide whether to continue, for purposes of determining probable cause, in public session or in executive session.

Rep. Pugh requested that the Committee discuss the complaint in public.

Chair Erickson determined that there was no objection and stated the Committee would proceed in public session.

Rep. Murphy requested that staff explain Rules 6 and 7 of the Committee Rules of Procedure.

House Researcher and Committee Counsel Deborah McKnight gave an overview of the rules which cover finding of probable cause and dismissal of complaints (particularly if the Committee fails to find probable cause).

The Committee deliberated whether to find probable cause in the case of the complaint against Rep. Arlon Lindner.

Rep Pugh, Rep. Rhodes, Rep. Davids, Rep. Murphy, Chair Erickson, and Rep. Mahoney offered comments and conclusions based upon their review of the proceedings and the evidence submitted by both the Complainants and the Respondent.

Chair Erickson asked for a review of the Committee Rules of Procedure regarding the finding of probable cause. Ms. McKnight explained the possible decisions the Committee could make.

Rep. Davids moved that the Committee find there is probable cause to support the Complaint filed against Rep. Arlon Lindner.

Rep. Pugh asked whether the Chair should vote, based upon concerns expressed by the Complainants that the Chair had co-authored legislation with the Respondent. The Chair stated the matter before the Committee was not about legislation and that she had announced previously that there was no need for her to recuse herself.

Rep. Davids renewed his motion that the Committee find there is probable cause to support the Complaint filed against Rep. Arlon Lindner.

Rep. Davids requested a roll call vote.

See attached vote record.

There being two AYES and two NAYS, THE MOTION DID NOT PREVAIL

Pursuant to Rule Number 7 of the Committee Rules of Procedure, the complaint against Rep. Arlon Lindner was dismissed.

Meeting was adjourned 9:15a.m.


REP. SONDRER ERICKSON, CHAIR


Bethany Soderstrom
Committee Legislative Assistant

HOUSE COMMITTEE TAPE LOG

TAPE: 1

COMMITTEE: ETHICS

START TIME: _____

DIVISION/SUBC: _____

SIDE: A

CHAIR: ERICSSON

PAGE: 1

DATE: 4-7-03

REVOLUTIONS:

LOG:

0014
 0030
 0339
 0549
 0624
 0656
 0730
 0818
 0832
 0914
 1234
 1267
 1536
 1909
 2375
 2486
 2727
 2741
 2768
 2875
 2969
 3042
 3125
 3268
 3281
 3354
 3416
 3465
 3500
 3624
 3643

MEETING CONVENED
 MINUTES MOVED
 Rep. Erickson explains rules for Committee
 Rep Entenza - Q
 Rep Erickson - A
 Rep Pugh
 Rep ~~Ericsson~~ - Q
 Rep Entenza - Q
 Rep Erickson - A
 Rep Ellison - testimony
 Rep Erickson
 Rep Ellison continues w/ testimony
 Rep Laty continues w/ testimony
 Linda Keyborg - testifier
 Rev. Galloway
 Rep Laty
 Rep Erickson
 Rep Lindner's attorney, Mr. Anderson - Q
 Rep Ellison, Rep Laty, Rep Entenza - A
 Mr. Anderson - Q, Rep Laty - A
 Mr Anderson - Q Ms. Keyborg
 Rep Davids - Q
 Ms. Keyborg
 Rep Erickson
 Rep Rhodes - Q
 Ms. Keyborg - A
 Rep Davids - Q
 Miss McKnight - A
 Rep Davids
 Rep Laty
 Rep Pugh

HOUSE COMMITTEE TAPE LOG

TAPE: 1 | 2

COMMITTEE: Ethics

START TIME: _____

DIVISION/SUBC: _____

SIDE: A/B | A

CHAIR: Erickson

PAGE: 2

DATE: 4/7/2003

REVOLUTIONS:

- 3690
- 3777
- 3800
- 3632
- 3810
- 3807
- 3772
- 3746
- 3612
- 3607
- 3593
- 3498
- 3372
- 2355
- 2174
- 1967
- 1875
- 1777
- 1680
- 1634
- 1491
- 1414
- 1363
- 1223
- 1120
- 0852
- 0481
- 0021
- ~~0000~~ 0000
- 0575
- 1213

LOG:

- Rep Ellison
- Rep Mahoney
- Ms. McKnight
- SIDE B, TAPE 1
- Rep Murphy - Q
- Rep Ellison - A
- Rep Erickson
- Rep Entenza
- Rep Pugh - Q ↗
- Mr. Temere - A ↘
- Mr. Anderson - presentation
- Rep Lindner - presentation
- Mr. Anderson - presentation
- Karen Anderson - testifier
- Rep Walker
- Rep Davids
- Rep Pugh ↗
- Mr. Anderson ↘
- Rep Pugh - Q ↗
- Rep Lindner - A ↘
- Rep Murphy ↗
- ~~Mr. Anderson~~ ↘
- Rep Rhodes
- Miss McKnight
- Rep Mahoney - Q, Rep Lindner - A
- Rep Ellison - closing stmt
- Rep Lamy - closing stmt
- Rep Entenza
- TAPE 2, SIDE A
- Mr. Anderson - closing stmt
- Rep Pugh

HOUSE COMMITTEE TAPE LOG

TAPE: 2

COMMITTEE: Ethics

START TIME: _____

DIVISION/SUBC: _____

CHAIR: Erickson

SIDE: A

PAGE: 3

DATE: 4/7/2005

REVOLUTIONS:

1232

1316

1362

1445

1552

LOG:

Rep Rhodes

Rep Mahoney - Q 5

Mr. Tremere - A

Rep Davids

Meeting is in recess to call of chair

Ethics Committee
Chair: Representative Sondra Erickson

MEETING: April 7, 2003
6:30 PM (after Floor Session, at call of the Chair if necessary)
10 State Office Building

AGENDA

1. Call to Order.
2. Roll Call.
3. Approval of Minutes: March 31, 2003
4. Hearing of Complainants and Respondent regarding complaint filed about
Rep. Arlon Lindner; deliberation of probable cause.
 - A. Introductions and explanation of procedure
 - B. Presentation by complainants (30 minutes)
 - C. Questions of complainants by Respondent (15 minutes)
 - D. Questions of complainants by Committee (15 minutes)
 - E. Presentation by respondent (30 minutes)
 - F. Questions of respondent by Committee (15 minutes)
 - G. Closing statement by complainants (15 minutes)
 - H. Closing statement by respondent (15 minutes)
5. Close hearing
6. Committee deliberation to determine probable cause
7. Adjournment

Next meeting: As determined by Committee or at call of the Chair

Date _____

ROLL-CALL VOTE
2003-2004 Eighty-Third Session
COMMITTEE ON ETHICS

MOTION: _____ Amendment No.: _____

Author: _____ Requested by: _____

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
ERICKSON, Sondra, Chair				
PUGH, Thomas, Vice Chair				
DAVIDS, Greg				
MURPHY, Mary				
TOTALS				

Passed: _____

Failed: _____