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Ken Hortsman, VP and Chief HR Officer
100 Donhowe Building
319 15th Avenue SE
Minneapolis, MN 55455

Sent via email to horst009@umn.edu

RE: Teamsters Local 320

Mr. Hortsman:

I am general counsel for Teamsters Local 320. Local 320 is engaged in a lawful strike of the University of MN.

Yesterday, UMN Police, joined by the Hennepin County Sheriff's Office, executed a coordinated effort to intimidate protesters engaged in a lawful picket on public property. This event was captured on multiple cameras from multiple angles. Picketers were handcuffed, zip-tied, and charged with crimes for daring to engage in their Constitutionally and statutorily-protected right to protest and picket. Because of these charges, I have copied Minneapolis City Attorney Kristyn Anderson on this correspondence.

Also yesterday, a UMN police sergeant was captured on video shoving an elderly female protester to the ground with two hands while she tried to walk across a driveway. After she fell to the ground, he can then be heard saying "stop resisting" even though he had not given her any order prior to the excessive and unreasonable use of force. This morning, UMN police blocked public sidewalks with barricades preventing picketers from protesting on a public right-of-way. At one point, law enforcement placed barricades completely enclosing a group of picketers and saying "you're not going anywhere" and "you're not picketing here." These unconstitutional actions must stop immediately.

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The First Amendment prohibits the government from “abridging the freedom of speech, or of the press; or the **right** of the people peaceably to assemble.” U.S. Const. amend. I. The Supreme Court articulated a **right to** association in *NAACP v. Ala. ex rel. Patterson*, 357 U.S. 449, 460–61 (1958): “It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.”

“Sidewalks are quintessential public fora” and the government’s ability to restrict speech in a traditional public forum is “very limited.” *Pro-Life Action Ministries v. City of Minneapolis*, 700 F.Supp.3d 687, 696 (D. Minn. 2023) (citing *McCullen v. Coakley*, 573 U.S. 464, 477 (2014)). “Such areas occupy a ‘special position in terms of First Amendment protection’ because of their historic role as sites for discussion and debate.” *Id.* (quoting *United States v. Grace*, 461 U.S. 171, 180 (1983)). Sidewalks “have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.” *Id.* at 696–97 (citing *Pleasant Grove City v. Summum*, 555 U.S. 460, 469, 129 S.Ct. 1125, 172 L.Ed.2d 853 (2009)). “Content-neutral time, place, and manner restrictions are permitted in traditional public fora if the restrictions ‘are narrowly tailored to serve a significant governmental interest.’” *Ness v. City of Bloomington*, 11 F.4th 914, 923 (8th Cir. 2021) (quoting *McCullen*, 573 U.S. at 477, 134 S.Ct. 2518).

The attempt to scare and intimidate union members is unlawful and unacceptable. The University’s press statement referencing ICE is uncorroborated by any individuals spoken to by the Union and appears to be a shameful attempt to sow fear with the largely immigrant population of striking employees. The University’s behavior in the early days of this strike appalling. The First Amendment of the United States Constitution provides the right to assemble and protest on public property. The University’s scare tactics and constitutional violations are reprehensible. The employees, the students, and citizens of Minnesota deserve better.

Please find enclosed and served upon you an unfair labor practice. Please advise if you will accept service via email. If not, I can arrange for personal service. If the University does not stop trampling on the Constitution and PELRA, we will seek further legal action.

Respectfully,

Law Office of Kevin M. Beck

A handwritten signature in black ink, appearing to read 'K. Beck', with a stylized, flowing script.

Kevin M. Beck

Cc: Erik Skoog
Brian Aldes
Kristyn Anderson, Minneapolis City Attorney