

Minnesota House of Representatives

March 11, 2003

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

Dear Speaker Sviggum:

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

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

A handwritten signature in cursive script, reading "Keith Ellison", written over a horizontal line.

Representative Keith Ellison

A handwritten signature in cursive script, reading "Matt Entenza", written over a horizontal line.

Representative Matt Entenza

A handwritten signature in cursive script, reading "Karen Clark", written over a horizontal line.

Representative Karen Clark

A handwritten signature in cursive script, reading "Lyndon Carlson", written over a horizontal line.

Representative Lyndon Carlson

A handwritten signature in cursive script, reading "Ron Katz", written over a horizontal line.

Representative Ron Katz

A handwritten signature in cursive script, reading "Margaret Anderson Kelliher", written over a horizontal line.

Representative Margaret Anderson Kelliher

A handwritten signature in cursive script, reading "Neva Walker", written over a horizontal line.

Representative Neva Walker

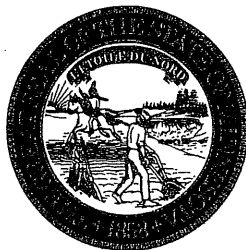
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Representative Frank Hornstein

Enclosure

cc: Representative Arlon Lindner





Minnesota House of Representatives

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

NOTICE OF COMPLAINT

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

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

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

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

Dated this 11th Day of March 2003.

A handwritten signature in cursive script, appearing to read "Keith Ellison", written over a horizontal line.

Representative Keith Ellison

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Representative Lyndon Carlson

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Representative Ron Latz

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Representative Margaret Anderson Kelliher

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Representative Neva Walker

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Representative Frank Hornstein





Minnesota House of Representatives

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

COMPLAINT

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

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

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

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

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

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

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

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

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

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

Count 1

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

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

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

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

Count 2

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

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

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

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

Conclusion and Request for Relief

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

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

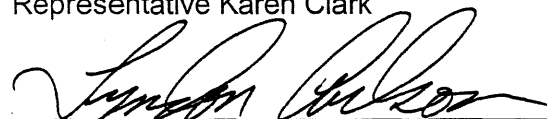
We swear that the statements in this complaint subscribed to us are true, so help us God.

Dated this 11th Day of March 2003.


Representative Keith Ellison


Representative Matt Entenza

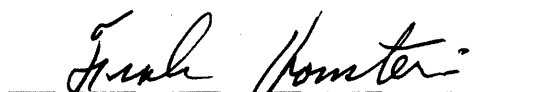

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