

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

UNITY CHURCH OF ST. PAUL and WHITE
BEAR UNITARIAN UNIVERSALIST CHURCH,

Plaintiffs,

and

ADATH JESHURUN CONGREGATION; BETH
EL SYNAGOGUE; BETH JACOB
CONGREGATION; ECKANKAR; FIRST
UNITARIAN SOCIETY OF MINNEAPOLIS;
FIRST UNITARIAN UNIVERSALIST CHURCH;
FIRST UNITED CHURCH OF CHRIST; GLORIA
DEI LUTHERAN CHURCH; GRACE
UNIVERSITY LUTHERAN CHURCH;
LUTHERAN CHURCH OF CHRIST THE
REDEEMER; MINNEHAHA UNITED CHURCH
OF CHRIST; PEACE UNITED CHURCH OF
CHRIST; ROBBINSDALE UNITED CHURCH OF
CHRIST; SHIR TIKVAH SYNAGOGUE; SPIRIT
OF THE LAKES ECUMENICAL COMMUNITY
CHURCH; ST. JOHN THE BAPTIST EPISCOPAL
CHURCH; ST. JOHN THE EVANGELIST
EPISCOPAL CHURCH; ST. PAUL-
REFORMATION LUTHERAN CHURCH; ST.
PAUL'S EPISCOPAL CHURCH; ST. STEPHEN'S
CATHOLIC COMMUNITY; SISTERS OF SAINT
JOSEPH OF CARONDELET, ST. PAUL
PROVINCE; TEMPLE ISRAEL; TRINITY
EPISCOPAL CHURCH; UNIVERSITY
LUTHERAN CHURCH OF HOPE; ZION
UNITED CHURCH OF CHRIST; THE
MINNESOTA ANNUAL CONFERENCE OF THE
UNITED METHODIST CHURCH; and THE
MINNESOTA CONFERENCE OF THE UNITED
CHURCH OF CHRIST;

Intervening Plaintiffs,

v.

STATE OF MINNESOTA,

Defendant.

Court File No. C9-03-9570

Judge John T. Finley

Case Type: Other Civil

INTERVENORS' COMPLAINT

Intervening Plaintiffs (collectively, “Religious Organizations”), for their complaint in intervention against Defendant, state and allege as follows:

1. This is an action for declaratory and equitable relief challenging the Minnesota Citizens’ Personal Protection Act of 2003 (“the Act”), a statute of the State of Minnesota (“the State”) known as the “conceal-carry” law.

2. Each Religious Organization is an organization of a religious faith incorporated as a religious or non-profit corporation. Intervening Plaintiffs are as follows:

A. Adath Jeshurun Congregation is located on Hillside Lane in Minnetonka, Minnesota. It is affiliated with the United Synagogue of Conservative Judaism. With over 1200 member families, this community is dedicated to the Torah (learning and tradition), Avodah (prayer and spirituality), and Gemillut Chasadim (acts of love and kindness).

B. Beth El Synagogue is a Conservative Jewish community located on West 26th Street in St. Louis Park, Minnesota. Beth El Synagogue has a sincere and well-established commitment, grounded in the Torah, to peacemaking and nonviolence. Beth El Synagogue serves over 1400 households.

C. Beth Jacob Congregation is a Conservative Synagogue located on Victoria Curve in Mendota Heights, Minnesota. Affiliated with the United Synagogue of Conservative Judaism, Beth Jacob Congregation is committed to the principles of Conservative Judaism: Torah study, Avodah-reverential service, and Gemillut Chasadim. Beth Jacob Congregation serves 375 families.

D. Eckankar is a non-profit religious organization and church which has members in over 100 countries. The spiritual home of Eckankar is the Temple of ECK in

Chanhassen, Minnesota. Eckankar is the Religion of the Light and Sound of God. Based on ancient wisdom, Eckankar emphasizes the value of personal experiences as the most natural way back to God and members strive to express the love of God through service to all life.

E. The First Unitarian Society of Minneapolis is located on Mount Curve Avenue in Minneapolis, Minnesota. Affiliated with the Unitarian Universalist Association of North America, First Unitarian Society of Minneapolis is an ethical and liberal religious community dedicated to promoting the ongoing search for truth and to affirming the inherent worth of the individual. Members of First Unitarian Society seek to advance their humanist vision of a world of peace and love, dignity and equality, freedom and justice.

F. First Unitarian Universalist Church is located on Walden Lane Southwest in Rochester, Minnesota. Unitarian Universalism is a liberal religion rooted in the Jewish and Christian traditions. As a member congregation of the Unitarian Universalist Association, First Unitarian Universalist Church covenants to affirm and promote the goal of world community with peace, liberty and justice for all.

G. The First United Church of Christ is located on Union Street in Northfield, Minnesota. First United Church of Christ is a “Just Peace” church and is affiliated with the Minnesota Conference of the United Church of Christ (UCC).

H. Gloria Dei Lutheran Church is located on Snelling Avenue in St. Paul, Minnesota. It is a member of the St. Paul Area Synod of the Evangelical Lutheran Church in America (ELCA). Gloria Dei Lutheran Church has 2,463 baptized members.

I. Grace University Lutheran Church is located on Harvard Street Southeast in Minneapolis, Minnesota. As a congregation of the ECLA, Grace University Lutheran Church

is also a Peace Site. Members strive to follow the Prince of Peace in a troubled world and work for peaceful means of living and working.

J. Lutheran Church of Christ the Redeemer is located on Penn Avenue South in Minneapolis, Minnesota. It is a member of the Minneapolis Area Synod of the ELCA. Members of Lutheran Church of Christ the Redeemer believe that they are called by Christ to be peacemakers and bringers of justice, as expressed in the words of their Lutheran Affirmation of Baptism Vow to “strive for peace and justice in all the world.”

K. Minnehaha United Church of Christ is located on 38th Avenue South in Minneapolis, Minnesota. According to the By-laws of Minnehaha United Church of Christ, the Church covenants to promote peaceful resolution of conflict. With approximately 160 members, Minnehaha United Church of Christ is a “Just Peace” church and is affiliated with the Minnesota Conference of the UCC.

L. Peace United Church of Christ is located on East 11th Street in Duluth, Minnesota. Peace United Church of Christ is a “Just Peace” congregation of the UCC. Based on the teachings of Jesus, Peace United Church of Christ has a rich history seeking nonviolent alternatives to conflict.

M. Robbinsdale United Church of Christ is located on Lake Road in Robbinsdale, Minnesota. As a “Just Peace” church, Robbinsdale United Church of Christ has worked to craft a biblical vision of shalom, wholeness, healing, justice, righteousness, equality, unity, freedom and community here on earth. These values have propelled Robbinsdale United Church of Christ and its denomination, the UCC, to the forefront of contemporary and historical, but not always popular, movements.

N. Shir Tikvah is located on Girard Avenue South in Minneapolis, Minnesota. Shir Tikvah is a Reform Congregation and member of the Union of American Hebrew Congregations. Shir Tikvah's focus is the building of a caring, inclusive community, in the spirit of liberal Judaism. Shir Tikvah believes that Gemillut Chasadim (deeds of love and kindness) and Tikkun Olam (repair of the world) are pillars of Jewish life.

O. Spirit of the Lakes Ecumenical Community Church is located on 13th Avenue South in Minneapolis, Minnesota. Spirit of the Lakes Ecumenical Community Church is a "Just Peace" church, affiliated with the UCC. Serving a predominantly gay, lesbian, bisexual and transgendered population, members are challenged by God's call to do the work of justice, reconciliation, and peace in the world.

P. St. John the Baptist Episcopal Church is located on Sheridan Avenue South in Minneapolis, Minnesota. St. John the Baptist Episcopal Church is a parish of more than 170 families and individuals. St. John the Baptist Episcopal Church is strongly committed to diversity, intellectual discipline, and justice and peace concerns. It is an Episcopal Church, part of the American branch of the Worldwide Anglican Communion.

Q. St. John the Evangelist Episcopal Church is located on Kent Street in St. Paul, Minnesota. St. John the Evangelist Episcopal Church is part of the Episcopal Diocese of Minnesota. St. John the Evangelist Episcopal Church relies on the biblical mandate for believers to seek justice and peace.

R. St. Paul-Reformation Lutheran Church is located on Oxford Street in St. Paul, Minnesota. St. Paul-Reformation Lutheran Church is a member of the ELCA, St. Paul Area Synod, Southern Central Conference. The congregation is comprised of about 400 active community members and baptized children.

S. St. Paul's Episcopal Church is located on East Superior Street in Duluth, Minnesota. St. Paul's Episcopal Church is part of the Episcopal Diocese of Minnesota. Having been called to reach out in love to seek and serve Christ in all people, St. Paul's Episcopal Church is committed to the issues of justice and peace.

T. St. Stephen's Catholic Community is a Roman Catholic parish of the Archdiocese of Saint Paul and Minneapolis. Located on Clinton Avenue South in Minneapolis, Minnesota, St. Stephen's Catholic Community has a rich tradition of education and action around issues of social justice and peace.

U. Sisters of Saint Joseph of Carondelet, St. Paul Province, is a Roman Catholic religious community comprised of 381 nuns, located on Randolph Avenue in St. Paul, Minnesota. The Sisters of St. Joseph work toward profound love of God and love of neighbor without distinction. They own and operate Bethany Convent, St. Joseph's Provincial House, Carondelet Center, St. Joseph Administration Center, Carondelet Playing fields and residential real estate in the Minneapolis/St. Paul area.

V. Temple Israel is located on Emerson Avenue South in Minneapolis, Minnesota, and owns Camp TEKO on Lake Minnetonka. It is a member of the Union of American Hebrew Congregations. Temple Israel serves over 2,000 households, making it the ninth largest Reform Congregation in the United States.

W. Trinity Episcopal Church of Excelsior is located on Second Street in Excelsior, Minnesota. Trinity Episcopal Church is part of the Episcopal Diocese of Minnesota. As an Episcopal congregation, Trinity Episcopal Church seeks to "wage reconciliation based on the teachings of Jesus Christ."

X. University Lutheran Church of Hope is located on 13th Avenue Southeast in Minneapolis, Minnesota. Part of the ECLA, University Lutheran Church of Hope strives to know Christ and make Christ known by proclaiming God's saving word in worship, community and service.

Y. Zion United Church of Christ is located on South Elmwood Street in Le Sueur, Minnesota. Zion United Church of Christ is affiliated with the UCC, and is committed to justice and peacemaking.

Z. The Minnesota Annual Conference of The United Methodist Church ("The United Methodist Conference") is a regional judicatory of The United Methodist Church. The United Methodist Conference is both the union of 399 congregations within Minnesota (including in Ramsey County) as well as an annual gathering. The United Methodist Conference owns, controls, and operates real property throughout the State of Minnesota. As part of its religious mission, The United Methodist Conference owns and operates the following camps: Decision Hills Camp in Spicer, Minnesota, Kingswood Camp in Mound, Minnesota, Ko-Wa-Kan Camp in Ely, Minnesota, Lake Koronis Assembly Grounds in Paynesville, Minnesota, Northern Pines Camp in Park Rapids, Minnesota, and Star Lake Wilderness Camp in Pequot Lakes, Minnesota.

AA. The Minnesota Conference of the United Church of Christ ("Minnesota Conference of the UCC") is one of thirty-nine conferences of the United Church of Christ in this country. There are over 35,000 members and 144 Congregations (including in Ramsey County) in the Minnesota Conference of the UCC. Minnesota Conference of the UCC owns, controls, and operates real property throughout the state of Minnesota. As part of its religious mission, the Minnesota Conference of the UCC owns and operates Pilgrim Point Camp in Alexandria,

Minnesota. Moreover, the Minnesota Conference of the UCC currently has an ownership interest in All Nation's Indian Church in Minneapolis, Minnesota, Pilgrim's United Church of Christ in Maple Grove, Minnesota, and New Spirit United Church of Christ in Savage, Minnesota.

3. On April 28, 2003, the Minnesota Legislature passed, and the Governor signed into law, the Act. The Act took effect on May 28, 2003.

4. The Act purports to regulate the carrying of firearms in "private establishments," defined as "a building, structure, or portion thereof that is owned, leased, controlled or operated by a nongovernmental entity for a nongovernmental purpose." The Act prevents owners and operators of private establishments from prohibiting firearms, including firearms of employees, in parking areas. The Act further prohibits landlords from restricting the lawful carry or possession of firearms by tenants or their guests. The Act further provides that the owner of a private establishment may order a person carrying a firearm "under a permit or otherwise" to leave only after making a "reasonable request" that firearms not be brought into the private establishment. The Act provides that a "reasonable request" means the prominent posting of a conspicuous sign with specific words at all entrances "and" personally informing the person of the posted request and demanding compliance. A person with a firearm who fails to leave is guilty of a petty misdemeanor. Under Minnesota law, a petty misdemeanor is not a crime.

5. Each Religious Organization is a "private establishment" as defined by the Act.

6. Each Religious Organization has prohibited firearms (except those carried by peace officers on official business), whether carried pursuant to permit or otherwise, from its real property.

7. Each Religious Organization wishes to notify persons entering its real property of its prohibition of firearms, but not in the exact manner required by the Act. Each Religious Organization wishes to include a religious message in its notification.

8. Each Religious Organization has a parking area; except: First Unitarian Society of Minneapolis, Minnehaha United Church of Christ, Shir Tikvah, St. John the Evangelist Episcopal Church, and Trinity Episcopal Church. Many Religious Organizations, such as Peace United Church of Christ, Robbinsdale United Church of Christ, and others, occasionally hold worship services on their parking lots. University Lutheran Church of Hope, Peace United Church of Christ and others hold church picnics on their parking lots. During the summer, Lutheran Church of Christ the Redeemer, Peace United Church of Christ, and others conduct Vacation Bible School on their parking lots. Each Religious Organization with a parking area acknowledges that its prohibition of firearms from its real property includes its parking area.

9. The following Religious Organizations are landlords: Adath Jeshurun Congregation, Beth El Synagogue, First Unitarian Society of Minneapolis, First Unitarian Universalist Church, First United Church of Christ, Gloria Dei Lutheran Church, Lutheran Church of Christ the Redeemer, Minnehaha United Church of Christ, Peace United Church of Christ, Robbinsdale United Church of Christ, St. John the Baptist Episcopal Church, Spirit of the Lakes Ecumenical Community Church, St. Paul-Reformation Lutheran Church, St. Paul's Episcopal Church, St. Stephen's Catholic Community, Sisters of St. Joseph of Carondelet, Temple Israel, Unity Church of St. Paul, University Lutheran Church of Hope, White Bear Unitarian Universalist Church, Zion United Church of Christ, The United Methodist Conference, and The Minnesota Conference of the UCC. Each Religious Organization that is a landlord acknowledges that its prohibition of firearms from its real property includes its tenant space.

Each Religious Organization that is a landlord also wishes to enter into lease amendments with its tenants to prohibit the carrying of firearms by tenants and their guests.

10. Each Religious Organization with a parking area is an employer. Each Religious Organization with a parking area acknowledges that its prohibition of firearms from its real property includes possession of firearms by employees in parking areas.

11. The Religious Organizations, as private establishments, as owners and operators of parking areas, as landlords, and as employers have been injured by the Act. Further, the Act has had a chilling effect on the Religious Organizations' exercise of their constitutional rights. Each Count below incorporates the foregoing allegations.

Count One – Minnesota Constitution Article I, Section 16

12. Based on their respective sincerely-held religious beliefs, the Religious Organizations aver that the presence of firearms on their real property (except carried by peace officers on official business) is inconsistent with their religious convictions. Based on their respective sincerely-held religious beliefs, the Religious Organizations aver that the methods they have chosen and will chose to notify persons of their prohibition of firearms further their missions and worship practices.

13. The Act controls and interferes with the Religious Organizations' rights of conscience and burdens the exercise of the Religious Organizations' beliefs by: (a) preventing the Religious Organizations from prohibiting firearms in their parking areas and requiring them to allow in their parking areas persons with firearms; (b) preventing the Religious Organizations as employers from prohibiting their employees from carrying or possessing firearms in their parking areas and requiring them to allow employees to carry firearms in their parking areas; (c) preventing the Religious Organizations as landlords from prohibiting firearms in leased space

and requiring them to allow tenants and their guests to carry firearms in leased space; (d) requiring the Religious Organizations to communicate their prohibition of firearms by specific words on a specific form of sign at specific locations, all dictated by the State rather than chosen by each Religious Organization; and (e) requiring the Religious Organizations to modify their customary welcome of worshipers and other persons entering their buildings to include personal notification of the prohibition on firearms and a demand for compliance.

14. The State's interest in controlling and interfering with the Religious Organizations' rights of conscience and burdening the exercise of the Religious Organizations' religious beliefs is not compelling.

15. The Act is not the least restrictive means for effectuating the State's interest.

16. Accordingly, the Act violates Article I, Section 16 of the Minnesota Constitution.

Count Two – Freedom of Association, U.S. Constitution

17. The Religious Organizations have a fundamental right of association under the First and Fourteenth Amendments to the United States Constitution. This right includes the right not to associate with others.

18. In the exercise of sincerely-held religious beliefs, each Religious Organization has chosen not to associate on its religious property with persons (except peace officers on official business) who insist on carrying firearms onto that property.

19. The Act requires that the Religious Organizations associate with, and not exclude from the Religious Organizations' property, persons who insist on carrying firearms, including: (a) employees with firearms in the Religious Organizations' parking areas; (b) non-employees with firearms in the Religious Organizations' parking areas; and (c) tenants and their guests with firearms in leased space.

20. The Act requires that the Religious Organizations associate with, and allow into their houses of worship, persons with firearms unless the Religious Organizations undertake the Act's burdensome requirements.

21. The Act controls and interferes with the Religious Organizations' right of association.

22. The State's interest in controlling and interfering with the Religious Organizations' right of association is not compelling.

23. The Act is not the least restrictive means for effectuating the State's interest.

24. Accordingly, the Act violates the First and Fourteenth Amendments to the United States Constitution.

Count Three – Freedom of Speech and Religion, U.S. Constitution

25. The Religious Organizations have fundamental rights of speech and religion under the First and Fourteenth Amendments to the United States Constitution.

26. The Act requires that the Religious Organizations allow into their houses of worship persons with firearms unless the Religious Organizations speak words dictated by the State. The Act requires that the Religious Organizations allow onto their parking lots and leased spaces persons with firearms.

27. The Act controls and interferes with the Religious Organizations' rights of speech and religion and excessively entangles the State in religious doctrine.

28. Accordingly, the Act violates the First and Fourteenth Amendments to the United States Constitution.

Count Four – Religious Land Use Act of 2000

29. The Act’s provisions regarding parking areas, leased space, and building notification are land use regulations within the meaning of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. Section 2000cc et seq.

30. The Act imposes and implements land use regulations in a manner that treats the Religious Organizations on less than equal terms with certain nonreligious assemblies and institutions, including private residences, schools, certain state property (including the State Capitol), and courthouse complexes.

31. The Act imposes and implements land use regulations that unreasonably limit Religious Organizations, including their religious assemblies, institutions, and structures within the State of Minnesota.

32. Accordingly, the State, through the Act, has violated RLUIPA.

33. The Religious Organizations have been injured by the State’s land use regulations and have standing to assert violations of RLUIPA.

Count Five – Taking Without Compensation, U.S. and Minnesota Constitutions

34. The Fifth Amendment to the United States Constitution provides that private property shall not be taken for public use without just compensation. The Fourteenth Amendment to the United States Constitution makes the Fifth Amendment applicable to the State of Minnesota.

35. Article I, Section 13 of the Minnesota Constitution provides that private property shall not be taken or damaged for public use without just compensation therefore, first paid or secured. Article XIII, Section 4 of the Minnesota Constitution provides that land may not be

taken for public way without fair and equitable compensation paid for the land and for all damages arising from taking it.

36. The Religious Organizations have a fundamental property right to exclude others from their properties. Easements are property interests subject to the just compensation requirements of the United States and Minnesota Constitutions.

37. The Act eliminates the Religious Organizations' right as property owners to exclude from their parking areas persons with firearms. The Act eliminates Religious Organizations' right as property owners to exclude from their buildings persons with firearms by signage or personal notice, the means by which persons without firearms may be excluded. Therefore, the Act has authorized persons with firearms to intrude physically upon the Religious Organizations' property and has created an easement in the Religious Organizations' property in favor of persons with firearms. Were it not for the easement created by the Act, physical intrusion by persons with firearms would constitute a trespass under the criminal law and under civil common law. The Act has taken and damaged the Religious Organizations' fundamental property right.

38. The Act makes no provision for just compensation for the Religious Organizations and thus violates the Minnesota and United States Constitutions.

39. The Religious Organizations have been damaged by the State's taking without compensation.

40. The Religious Organizations have demanded that the State acknowledge their right to compensation and commence proceedings by which the Religious Organizations may be compensated. The State has refused to do so.

Count Six – Law Embracing More Than One Subject

41. Article IV, Section 17 of the Minnesota Constitution provides that no law shall embrace more than one subject, which shall be expressed in its title.

42. S.F. 842, which did not contain the Act, was passed by the Minnesota Senate on March 24, 2003, by a vote of 65-0. S.F. 842 was then considered by two committees of the Minnesota House of Representatives. Only on the floor of the House was S.F. 842 amended to include the Act. S.F. 842, including the Act, was passed by the House on April 23, 2003, by a vote of 88-46. By a vote of 36-31 on April 28, 2003, the Senate concurred in the House amendments to S.F. 842. No amendments to the Act were allowed on the Senate floor. The bill was signed by the Governor within hours.

43. The Act embraces more than one subject.

44. Accordingly, the Act violates Article IV, Section 17 of the Minnesota Constitution.

45. The Religious Organizations have been injured by the Act and have standing to challenge it as embracing more than one subject.

Wherefore, the Religious Organizations request that the Court issue an order:

1. Declaring that the entire Act is unconstitutional as having been part of a law embracing more than one subject passed in violation of the Minnesota Constitution;

2. Declaring that the Act as applied to the Religious Organizations violates the Minnesota Constitution, the United States Constitution, and RLUIPA;

3. Declaring that the Religious Organizations may prohibit the possession of firearms in their parking areas or, in the alternative, directing that the State proceed with actions to compensate Religious Organizations for a taking;

4. Declaring that the Religious Organizations may, by contract, prohibit the possession of firearms in their leased space;
5. Declaring that the Religious Organizations may communicate their prohibition on the possession of firearms on their real property by such words, and by such methods, as private residents;
6. Enjoining the State of Minnesota from enforcing the Act as against the Religious Organizations;
7. Awarding the Religious Organizations their attorneys' fees, expenses, and costs; and
8. Granting such other and further relief as is just and proper.

Dated: October 7, 2003

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PLAINTIFFS

Acknowledgment

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney fees may be awarded pursuant to Minn. Stat. Section 549.211, subd. 2.

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