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October 17, 2022

Lyndsey Olson
City Attorney
Civil Division
15 Kellogg Blvd. West
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St. Paul, MN 55102

Via Email

Re: Your letter dated October 10, 2022 re: Jim Schultz

Dear Ms. Olsen:

I represent Jim Schultz. Mr. Schultz's campaign office provided me with your letter dated October 10, 2022, which we received on October 13. Please direct all future communications regarding Mr. Schultz to me.

This letter is intended to respond to your October 10 letter and constitute a request under and pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01, *et seq.*

I. MR. SCHULTZ'S RESPONSE TO YOUR OCTOBER 10, 2022 LETTER

In your letter, you claim that Mr. Schultz's campaign violated Minn. Stat. § 211B.02 via an ad featuring a member of the St. Paul Police Department. Minnesota Statute section 211B.02 provides, in full:

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Minn. Stat. § 211B.02.

Your contention that the ad in question violates this statute is absurd for at least six reasons. Each is addressed *seriatim*.

First, the officer in the advertisement is not wearing a St. Paul Police uniform. He is wearing a St. Paul Police Federation uniform.

In your letter, you do not state that the officer is wearing a St. Paul Police uniform. Instead, you claim that the uniform “mimics” one. Please understand that neither Mr. Schultz, nor anyone working for his campaign, designed this union (i.e., Federation) uniform. Although he has many talents, Jim Schultz does not design clothing. Your issue, therefore, appears to lie with the designer of the uniform, and not a candidate for Attorney General. In that regard, have you ever complained to other parties of the use of this uniform? We assume you have not, as this uniform has been worn in support of other public officials in the past (discussed further below). If you have not raised such complaints with the designers of the uniform or other public officials in the past, why is Mr. Schultz now the target of your newly found claims?¹

Second, you state that “mimicking the St. Paul police uniform is misleading to the voting public and claiming directly or indirectly that the Saint Paul Police Department endorses any candidates campaign is false.” Minn. Stat. § 211B.02 does not prohibit mimicking of a uniform; it prohibits a knowingly *false* claim “...claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization,” and not a piece of fabric.

Next, you complain that the person in the ad wears a badge. Here is the badge in the ad (as included in the attachment to your letter):



This is the badge of the Minnesota Police and Peace Officers Association, not the St. Paul Police:



¹ See below for one possible answer to this question.

Indeed, here is the *actual* St. Paul Police officer's badge, as included in your own City of St. Paul's website:



(<https://www.stpaul.gov/news/badges-be-pinned-34-new-saint-paul-police-officers-tonight>).

Please tell me how these look similar—one says “MINNESOTA,” the other says “Saint Paul.” Query whether Jim Schultz would receive another letter from you if he posed next to a 10-year-old boy on Halloween dressed up as a cop.

Third, the uniform that you repeatedly mention is not even the St. Paul Police's current uniform. Indeed, the uniform worn by the police officer in Mr. Schultz's campaign ad does not even resemble the current St. Paul Police Department's current uniform. The current uniform is navy blue—not the light blue worn by the police officer in Mr. Schultz's campaign ad. Because the St. Paul Police Department no longer authorizes neither the shirt nor the pants worn by the police officer in Mr. Schultz's campaign ad, you are knowingly misrepresenting the current St. Paul Police Department's uniform in some ill-considered attempt to buttress your weak arguments.

In this regard, please consider this campaign advertisement that several St. Paul Police Department officers, along with some firemen, did in the *old* uniform:



Did the City of St. Paul object to this campaign advertisement? The answer is “no,” and I think we all know why: Ms. Amy Brendmoen ran as a member of the Minnesota Democratic-Farmer-Labor Party.

Fourth, Minn. Stat. § 211B.02 prohibits a “false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization.” One St. Paul officer in his/her *union* uniform does not “state or imply” that the entire St. Paul Police Department endorses Mr. Schultz.² Indeed, if a truck driver appeared in an ad for Mr. Ellison, would you contend that he is falsely implying the endorsement of the Teamsters? Has Governor Walz violated Minn. Stat. § 211B.02 by including teachers in his political ads?

Fifth, you correctly note that the ad in question says “police endorsed.” This is true, i.e., the simple, immutable fact is that ***Jim Schultz is “police endorsed”***:

- The Minnesota Police and Peace Officers Association, which boasts over 10,000 members, has endorsed Mr. Schultz.
- With over 43 states and 46 associations represented nationwide, the National Troopers Coalition, the largest national law enforcement association specifically representing state level law enforcement, has endorsed Mr. Schultz.
- Proudly representing those who protect and serve the residents of Ramsey County, the Ramsey County Deputies’ Federation has endorsed Jim Schultz.
- And currently, 37 Minnesota Sheriffs have endorsed Mr. Schultz as well:³
 1. Sheriffs James Stuart (Anoka County)
 2. Daniel Guida (Aitkin County)
 3. Todd Glander (Becker County)
 4. Ernest Beitel (Beltrami County)
 5. Troy Heck (Benton County)
 6. Tom Burch (Cass County)
 7. Mark Empting (Clay County)
 8. Scott Goddard (Crow Wing County)
 9. Tim Leslie (Dakota County)
 10. Scott Rose (Dodge County)
 11. Kurt Freitag (Freeborn County)

² Although, quite frankly, given the copious number of law-enforcement personnel that have already endorsed Mr. Schultz and the absence of any for Mr. Ellison, *see infra*, I would not be surprised if nearly all uniformed St. Paul police officers *do* endorse Mr. Schultz. But given your Mayor’s and your close relationship with Mr. Ellison, I am confident that you would threaten their jobs if they publicly did so.

³ Two additional Minnesota sheriffs are also ready to endorse Mr. Schultz but have not yet been publicly announced.

12. Mark Haberer (Grant County)
13. Victor Williams (Itasca County)
14. Eric Holien (Kandiyohi County)
15. Mark Wilwant (Kittson County)
16. Allen Anderson (Lac qui Parle County)
17. Brett Mason (Le Sueur County)
18. Josh Guenther (Mahnommen County)
19. Tim Langenfeld (McLeod County)
20. Brian Cruze (Meeker County)
21. Shawn Larsen (Morrison County)
22. Jeremy Thorton (Norman County)
23. Kevin Torgerson (Olmsted County)
24. Jeffrey Nelson (Pine County)
25. James Tadman (Polk County)
26. Bob Fletcher (Ramsey County)
27. Mitch Bernstein (Red Lake County)
28. Scott Hable (Renville County)
29. Patrick Nienaber (Sibley County)
30. Steve Soyka (Stearns County)
31. Jason Dingman (Stevens County)
32. Michael Carr (Wadena County)
33. Brad Milbrath (Wasceca County)
34. Dan Starry (Washington County)
35. Sean Deringer (Wright County)
36. Bill Flaten (Yellow Medicine County)
37. Rich Stanek (Hennepin County (2006 – 2018))

Although difficult to confirm with certainty, in light of the above and the unprecedented public support from county sheriffs (which generally do not endorse in races of this profile), it is likely that Mr. Schultz has more support from law enforcement than any candidate for any office in the history of the State of Minnesota.

Your supposition that one St. Paul Police officer’s endorsement “states or implies” that the entire St. Paul Police Department endorses Mr. Schultz is simply puerile. Did Keith Ellison’s 2019 endorsement of Bernie Sanders “state or imply” the endorsement of the Minnesota Attorney General’s Office? Or of the Minnesota DFL? Moreover, because Minn. Stat. § 211B.02 contains “...a specific-intent requirement—that false claims be knowingly made,” *Linert v. MacDonald*, 901 N.W.2d 664, 669 (Minn. Ct. App. 2017) (quoting *State v. Muccio*, 890 N.W.2d 914, 928 (Minn. 2017)), how can you possibly (let alone credibly) contend that Jim Schultz is *not* “police endorsed” when the largest police organizations—including those in Ramsey County itself—have all endorsed him (and not Mr. Ellison)?

Sixth, we find your complaint—using the Office of the City of St. Paul for these purposes—to be particularly disturbing. No private citizen has complained about the ad, but a

government official who works for the Mayor of St. Paul (a Democrat) has. And it just so happens that the Mayor and the Attorney General not only share the same political party, but are also friends. Moreover, your personal contribution history miraculously appears to align with the Mayor and the Attorney General:

Olson, Lyndsey	55104	DFL House Caucus	\$400.00	8/19/2017	2017	No
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Money to Parties	OLSON, LYNDSEY SAINT PAUL, MN 55104	Mn Nationa Guard		08-19-2017	\$400	MINNESOTA DEMOCRATIC-FARMER-LABOR PARTY (D)	MN
Money to Candidates	OLSON, LYNDSEY MD SAINT PAUL, MN 55104	MN NATIONAL GUARD	ATTORNEY	10-19-2016	\$250	Hillary Clinton (D)	Federal

Your tweets similarly contain myriad pro-DFL statements, including many that support Mr. Ellison in particular. Here are just a few examples:



Your October 10 letter represents the sort of political vendetta more worthy of Chicago than Minnesota. Public servants true to their oath do not attack persons solely because they disagree with their political views. Given the disparate treatment your Office has given to pro-DFL campaigns, the baselessness of your allegations, and your obvious bias, *inter alia*, we demand that you immediately step down from this matter.

II. MINNESOTA GOVERNMENT DATA PRACTICES ACT REQUEST

Given the obvious fact that Mr. Ellison's chances of winning re-election in November become increasingly remote with each passing day, it is unsurprising to see his partisan supporters attempt to do everything possible to prop up his failing efforts to convince Minnesota voters beset by unchecked skyrocketing violent crime that he is fit for the role of Attorney

General. That stated, it is no excuse for the misuse of government—*public*—resources to attempt to undermine Mr. Schultz in his efforts to reassure those same voters that Mr. Schultz will partner with and support—not vilify and denigrate—law enforcement to restore public safety.

Because it is obvious that your letter is part of some partisan scheme, we have determined it is necessary to investigate this matter further. Accordingly, pursuant to the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01 *et seq.*, we hereby request that you provide us the following documents immediately:

1. All documents relating to the Attorney General election, and/or Mr. Ellison’s candidacy for Attorney General, that constitute or contain communications between the City of St. Paul and:
 - a. Mr. Ellison (including, but not limited to, any agent, representative, or person acting on behalf of the same);
 - b. Mr. Ellison’s campaign (including, but not limited to, any agent, representative, or person acting on behalf of the same); and
 - c. The Minnesota DFL (including, but not limited to, any agent, representative, or person acting on behalf of the same).
2. All documents referencing Minnesota candidate for Attorney General Jim Schultz.
3. All documents relating to any approval, disapproval, and/or knowledge of the City of St. Paul to the above-displayed campaign advertisement of Ms. Amy Brendmoen, including, without limitation, any copies of the above-displayed campaign advertisement in the files of the City of St. Paul.
4. All documents relating to any approval, disapproval, and/or knowledge of the City of St. Paul to campaign advertisements that include any St. Paul Police officer in any campaign advertisement, whether by name, visual depiction, or otherwise.

Please be advised that this letter is not intended to include, and should not be read to include, each and every fact and/or argument relevant to your spurious allegations against Mr. Schultz. Instead, it includes enough facts to demonstrate the fallacy and bias of your current contentions. It is also sent without prejudice to further Minnesota Government Data Practices Act requests.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Christopher W. Madel