

Yusuf Abdurahman, Jill Clark, Michelle  
Gross, Julia B. Rupert, Pablo Tapia,  
Pauline Thomas, Jill Waite, Lee  
Pao Xiong,

Petitioners,

v.

Robert J. Olson, Chief of Police of  
Minneapolis, Minnesota,

Relator.

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Case Type: Mandamus

Court File No.:

**PETITION FOR WRIT  
OF MANDAMUS**

Now come the Petitioners seeking a writ of mandamus instructing Robert K. Olson, Chief of Police of Minneapolis, Minnesota, to perform the act(s) which the Minneapolis City Council has ordered him to do: namely, to commence Federal Mediation.

**PETITIONERS**

1. Yusuf Abdurahman is a man that is member of the Somali community. He is a member of the Community Negotiating Team (“CNT”), representing African New Arrivals, and is working within his community to be the voice of African New Arrivals in the preparation of mediation demands and at mediation.

2. Jill Clark is a woman that is a civil rights attorney with experience litigating police misconduct, police policies, and police training. She is a member of the CNT, asked to serve not in her capacity as an attorney for the group, but to bring her legal skills and experience to the table.

3. Michelle Gross is a woman that is a member of Communities United Against Police Brutality, an organization committed to fighting police brutality and all forms of police misconduct. She is a member of the CNT, representing police brutality activists.

4. Julia “Bobbi” Rupert is a woman that is a member of the GLBT community, and is an African-American. She is a member of the CNT.

5. Pablo Tapia is a man that is a member of the Latino community and a member of ISAIAH, a coalition of Hispanic churches. He is a member of the CNT, representing the Latino/Hispanic/Mexican community.

6. Pauline Thomas is a woman that is a member of the African-American community and associated with the Community Collaborative. She is a member of the CNT, representing the African-American community.

7. Jill Waite is a woman that is a civil rights attorney with experience litigating police misconduct, police policies, and police training. She is a member of the CNT, asked to serve not in her capacity as an attorney for the group, but to bring her legal skills and experience to the table.

8. Lee Pao Xiong is a man that is a member of the Asian community and the President and CEO of the Urban Coalition. He is a member of the CNT representing the Asian community.

### **RELATOR**

9. Robert K. Olson is the Chief of Police of Minneapolis, Minnesota (“Olson” or “Chief”). He is a public officer of the City of Minneapolis under contract and job description most recently signed on January 22, 2001 by then Mayor Sharon-Sayles Belton

and on January 24, 2001 by Chief Olson. Pursuant to Chapter 3, sec. 23, the City Council may prescribe additional duties to Chief Olson at any time.

### **FACTS**

10. On August 14, 2002, a community rally was held protesting the police shooting of Terrell Oliver in North Minneapolis and the police harassment of Councilmember Natalie Johnson Lee. At that rally, someone suggested that police community-relations were at such a low that Federal Monitors should be sought.

11. On August 15, 2002, a small group of citizens (Michelle Gross, Jill Clark, Pauline Thomas and Jill Waite (“group of citizens”)) met with United States Attorney Heffelfinger to inquire about Federal Monitors. At that meeting, the option of Federal Mediation through the Community Relations Service (“CRS”) of the U.S. Department of Justice (“DOJ”) was discussed. On the evening of August 15, 2002, a community meeting was held in North Minneapolis, and a consensus was reached that the group of citizens would approach the CRS to request mediation.

12. The following morning, Michelle Gross called the CRS to inquire about the process for requesting mediation from the CRS (“Federal Mediation”). She was told by a representative of the CRS that the request for Federal Mediation must be in writing, addressed to the CRS and must include a list of generally-stated concerns/issues for mediation.

13. That group of citizens continued to meet, and around noon on August 22, 2002, the group of individuals sent a letter to the Community Relations Service (“CRS”) of the Department of Justice (“DOJ”), requesting that that office of the federal government come to Minneapolis to mediate between the community and the City of Minneapolis

concerning the Minneapolis Police Department. See Exhibit 1. Petitioners believe that Attachment 1 was the first request from the Minneapolis area for CRS to mediate in Minneapolis.<sup>1</sup>

14. On the evening of August 22, 2002, there were reports of rioting in the North Minneapolis Jordan neighborhood. On the following morning, Jill Clark, the signatory of Exhibit 1, called CRS to request expedited attention to community-police relations in Minneapolis. The CRS decided to send Senior Mediator Patricia Campbell Glenn (“Glenn”), to Minneapolis to assess the area.

15. During the following months, Glenn met with numerous organizations and members of the community. She told all that if the community wanted Federal Mediation, it had to get a community mediation team together. Certain members of the community did not want Federal Mediation. An August 25, 2002 article in the StarTribune reported:

At least one community leader, though, said he did not think such actions would work. Community activist Spike Moss said Saturday that he hadn’t met with Glenn “and I probably wouldn’t,” judging by previous experiences with the Justice Department. “They just come in, ask questions, make a recommendation, get on a plane and leave,” he said. “They waste your time.”

But a coalition of organizations and individuals called Federal Mediation Now<sup>2</sup> began polling community members, holding community meetings, going door-to-door and gathering signatures on a petition that urged the City Council to decide that Federal Mediation was an appropriate vehicle for the discussion of city-wide community-police issues. Federal Mediation Now included: the Somali Justice Advocacy Center, Somali

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<sup>1</sup> Although a claim was made later that another group had earlier requested federal mediation, no one has ever provided a copy of any such alleged communication to Petitioners and Petitioners have been unable to locate a copy. A Minn. Chap. 13 request for public data, requesting all letters to the Mayor or City Council regarding mediation did not produce any such letter.

<sup>2</sup> Federal Mediation Now began using the logo and service mark on or before September 19, 2002.

Student Union, Eritrean Community, Ethiopian Community Center, Federation of Somali Communities, Oromo Community Center, Community Collaborative, Communities United Against Police Brutality, North Country Co-op, Well Mind Association, Anti-War Committee, Minnesota Coalition for Black Civic Participation, National Lawyers Guild-- Minnesota Chapter and others.

16. Federal Mediation Now also had an Executive Committee that strategized, issued press releases, announced press conferences and rallies, and organized the political effort to convince the City of Minneapolis to agree to Federal Mediation.

17. Glenn also provided information to the City about the benefit of Federal Mediation. Discussion at the Council level went on for months. There were some supporters of Federal Mediation on the Council, and some that opposed it. Petitioners believe that continued pressure from the community and Federal Mediation Now influenced the Council's ultimate decision in this matter.

18. Part of the debate at the Council level was about who would "sit at the table" for the community. Glenn told the Council that the City has nothing to say about who would represent the community. In mediation, one side does not have the right to dictate to the other side who will represent it. "The communities must select representatives themselves, she said. 'If it works any other way, it really is not mediation.'" (StarTribune: November 16, 2002).

19. Federal Mediation Now continually emphasized that the City should *stay out* of the community selection process. See example at Exhibit 2. Federal Mediation Now urged that by controlling who sits at the table, the City could essentially control the outcome

of the mediation. Federal Mediation Now was not interested in a sham process, where the City or the Police Department controls the process.

20. In late October it became clear that the Council would finally vote on the issue, but Council members wanted to know who would represent the community. In fact, the City Council was threatening that if the community did not put a team together promptly, that it would select the community representatives. Federal Mediation Now worked diligently to create a venue where the community could put together a mediation team before the Council voted on the issue on November 22, 2002.

21. The CRS has mediated in several cities around the U.S. Federal Mediation Now gathered information about the process used to form mediation teams in other cities. Federal Mediation Now learned that, in cities where full-scale mediation was contemplated, as opposed to single-issue mediation, a community-wide meeting was held where individuals and organizations worked through all conflicts until, by the end of the meeting, a team was formed.

22. Federal Mediation Now reserved a large room at a public facility and advertised a community-wide meeting. Federal Mediation Now had no funds, but individual members of the Executive Committee spent their own money to create 10,000 paper flyers (see Exhibit 3) and distribute them to individuals and organizations in North and South Minneapolis. Faxes and emails were also sent advertising the meeting. The Executive Committee even telephoned some organizations, including the Urban League and the NAACP, inviting their attendance. The StarTribune publicized the meeting date, time and location. Radio stations issued public service announcements about the upcoming meeting.

23. In an article dated November 16, 2002 the StarTribune reported that Keesha Gaskins, speaking for the Minneapolis Branch of the NAACP, said “the group [would not] participate in picking community members but would like a seat at the negotiating table.”

24. The first order of business at the community-wide meeting was to reach consensus on the demands the community negotiation team would present to the City negotiating team. There was quick agreement on numerous demands, including such topics as the shoot to kill policy. Those present then moved on to decide who could best assist the community in presenting those demands, while giving voice to as many of the affected communities as possible.

25. To facilitate communication, Federal Mediation Now presented a *possible* list of categories, which included a categories for traditional black leadership and clergy. The *community* voted that those categories be removed from the slate and replaced simply with slots for African-Americans. Deep concerned was expressed by some members of the African-American community about the inclusion of those categories, and those concerns were respected by others in attendance at the community-wide meeting. Federal Mediation Now has always taken the position that such issues should be decided *within* individual communities, and not on a community-wide basis.

26. As anticipated, there was some conflict at the community-wide meeting. And like most meetings, people who left early waived their right to participate in its later stages. Some communities left because they had already selected a representative and had given the name to Federal Mediation Now. By the time the meeting ended, a significant number of slots had been filled, with the understanding that certain communities who were

underrepresented at the meeting would have an opportunity in the next few days to fill their slot(s).

27. By November 21, 2002, Federal Mediation Now informed the City Council that a team had been selected to represent the community, and the community was ready to go. The group, quickly dubbed the Community Negotiating Team (“CNT”), consisted of representatives in the following categories:

1. African new arrivals (Somali, Ethiopian, etc.)
2. Latino/Hispanic/Mexican
3. American Indian/Native American
4. African American
5. Asian/Pacific Islander
6. GLBT
7. Police Brutality Activists
8. Experts on Police Policy
9. Attorneys

The CNT’s 11 representatives included (in overlapping categories) 4 African-Americans (2 men, 2 women), 5 women, several NAACP and Urban League members, a Somali, an Asian, an American Indian, a Latino, a member of the GLBT, a police brutality activist, an expert on police policy and 2 attorneys with experience in policy misconduct and police policy. (In addition, the CNT has now called for the filling of “alternate” seats and one vacancy in the African-American community.) The CNT sought continued input and feedback from all segments of the community regarding the mediation demands, including communities not on the list, such as the mentally ill, chronic chemical dependents, lower income, homeless, youth, sexual assault victims, and political protesters.

28. In its November 21, 2002 communication to the City (Exhibit 4), Federal Mediation Now purposely kept the identities of the negotiating team confidential, because it



did not want the City Council to make its decision about whether to select Federal Mediation on the basis of who sat on the community team.

29. On November 22, 2002, the Minneapolis City Council voted 9-2 to commence weekly mediation sessions with the community, for 90 days, sessions to commence on December 10, 2002. Olson had previously been instructed by the City Council to work with Glenn to devise a process for mediation, and had since that time been the point person for the City's negotiating team.

30. On December 3, 2002, Glenn met with the CNT to discuss plans and protocols for the meeting on December 10 with the City. Everything was set to go.

31. Although the federal government had already reserved a room, just before mediation was to begin, Chief Olson publicly announced that he would not commence mediation unless he was allowed to have input about who would sit on the community team. *See, e.g.,* StarTribune: December 19, 2002, "Chief Robert Olson ... delayed mediation last week because the Minneapolis NAACP and Urban League complained that they hadn't been asked to participate."<sup>3</sup>

32. Olson actually notified the City negotiating team in writing that they should not attend mediation in December. From that point forward it became clear that Olson was

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<sup>3</sup> Although Olson stated that these organizations had complained to him, those organizations told some of the Petitioners that they had not complained to Olson. Indeed, a request for public documents showed that 1) no letters criticizing the CNT were received prior to December 10, 2002; and 2) the first letter from the Urban League and the NAACP questioning the CNT was dated December 17, 2002 – after Olson had already refused to mediate. Olson's statements to the media obviously engendered community criticism of the CNT, not the other way around. Even though some organizations stated that they wanted to sit on the CNT and spoke of a meeting on December 17, a letter from those organizations "pledge[d] to support the federal mediation process regardless of the outcome of [the December 17] meeting." Clarence Hightower of the Urban League was quoted as stating, "Clearly, the Urban League should be at the table, but if not, the mediation should still go forward." (Pioneer Press: December 20, 2002). (Some have noted that the NAACP and Urban League are already represented because many of the CNT are members of both organizations.)

refusing to discharge his duty as a Public Official, refusing to discharge his direct order from the City Council to commence Federal Mediation.

33. Olson has and had no discretion to decide who will represent the community at Federal Mediation or to delay mediation because of his personal opinions about community representation. Whatever issues there are in the community are for the community to resolve. Those issues would be resolved immediately if Olson would only come to the table. Olson is merely stirring up trouble in the community and encouraging dissension within the community in order to attempt to justify his own refusal to discharge his duty. As of January 8, 2003, Olson's position is that he will not mediate with the CNT.

34. Chief Olson continues to refuse to discharge his duty and his direct order from the City Council. By letter, Federal Mediation Now Olson demanded that Olson proceed with Federal Mediation forthwith. To date, Olson has not complied.

### **PETITION FOR WRIT**

A. The rights involved are substantial. Numerous reports, statistics and case studies confirm that large numbers of members of communities of color and other affected communities/protected classes (women, mentally ill, etc.) and individuals are the victims of police misconduct, false arrest and/or police brutality. Police-community relations are at an all-time low, and are blamed for rioting in August 2002. During the time that the City contemplated Federal Mediation, Chris Burns was killed by Minneapolis police and the Medical Examiner ruled it a homicide. The City has now made its decision to proceed with Federal Mediation, and Olson has no legal authority to veto the Council's mandate and no discretion to decide who sits on the community negotiating team. Olson has been charged with a clear and present duty. Even the start-date of mediation was delineated.

B. This Court has authority to order Olson to discharge his duty as specifically mandated by the City Council, and to order that he stop interfering with the commencement of mediation sessions. State District Courts have in the past ordered Chiefs of Police to take specific actions consistent with their duty under the law. This Court has the authority to issue a writ compelling performance of a judicially determined mandatory duty. Petitioners have no adequate remedy at law and no right to appeal on this issue.

C. Petitioners have a special interest in the issuance of this writ. Petitioners are members of the CNT, who have been charged by their communities or the community at large to begin mediation sessions with the City, in order to prevent future harm and wrongs against community members. Petitioners include members of affected communities (communities of color, GLBT, women, etc.) who have either been the victims of police misconduct or are at risk of becoming victims of police misconduct. These interests differ from other citizens generally. Petitioners therefore have standing to bring this Petition.

D. *This Petition is urgent*, as the City Council mandate was for 90 days of Federal Mediation. Due to Olson's refusal to mediate and his communication(s) to the City negotiating team that mediation was not to commence, 30 days have already been lost.

**WHEREFORE**, pursuant to Minn. Stat. §586.01 and the general equitable discretion of this Court, Petitioners petition for a writ compelling Robert K. Olson, Chief of Police of Minneapolis, Minnesota, to discharge his duty as specifically mandated by the City Council of Minneapolis, Minnesota, namely to commence federal mediation sessions, and to do so without further delay. Petitioners also seek additional equitable relief as the court may deem appropriate, including but not limited to Petitioner's fees, costs, and expenses incurred in litigating this Petition.

Petition for Writ of Mandamus order Robert K. Olson//Signatures

**APPEARING PRO SE**

Dated: \_\_\_\_\_

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Yusuf Abdurahman

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jill Clark

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michelle Gross

Dated: \_\_\_\_\_

\_\_\_\_\_  
Julie B. Rupert

Dated: \_\_\_\_\_

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Pablo Tapia

Dated: \_\_\_\_\_

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Pauline Thomas

Dated: \_\_\_\_\_

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Jill Waite

Dated: \_\_\_\_\_

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Lee Pao Xiong