



A Statement from Senate Assistant Minority Leaders Claire Robling and Mike McGinn

"Today we have filed an ethics complaint against Senate Majority Leader Dean Johnson, and delivered the complaint directly to the office of the President of the Senate, James Metzen.

"Over the last week, Senate Republicans have discussed at great length the statements allegedly made to Senator Johnson by members of the Minnesota Supreme Court. We agreed to wait until all the facts came out to decide what action, if any, to take.

"Unfortunately, the facts have been elusive. Senator Johnson's story has been constantly evolving. The integrity of the Minnesota Senate and the Minnesota Supreme Court has been diminished.

"Because we understand that if we do nothing we are giving tacit approval of unethical conduct, we believe further investigation is necessary.

"We hope that rank-and-file Senate DFL members will recognize the gravity of this situation, and hold their leader accountable. We know that if it was one of our Senate Republican Caucus members, we would be obliged to set aside partisan allegiance and seek the facts.

"This matter is only about maintaining the ethical standards we expect from our colleagues, and are in turn expected to live up to. Minnesotans deserve the best from those they elect to serve.

"While we disagree with the Senate Majority Leader and the DFL caucus on a host of different issues, this action is not about any of those issues — this is about upholding the integrity of our Supreme Court and the integrity of the Minnesota Senate."

Senator Robling can be reached at 651.296.4123.

Senator McGinn can be reached at 651.297.8073.

March 22, 2006

Senate
State of Minnesota

Senator James P. Metzen
Chair, Subcommittee on Ethical Conduct
322 Capitol Building
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Senator Metzen:

Attached to this letter is a complaint regarding the conduct of Senator Dean E. Johnson. This complaint is prepared pursuant to the provisions of Senate Permanent Rule 55. By the delivery of this letter and attached complaint, it is hereby filed pursuant to Rule 55. We ask for the Subcommittee to investigate these allegations and take action in accordance with this Rule.

We are aware that a member of the Subcommittee, Senator Mee Moua may be physically unable to participate in the Subcommittee's deliberations. If a new member of the Subcommittee needs to be appointed, we ask that the Majority Leader not make that appointment. As the subject of the complaint, it would be inappropriate for Senator Dean E. Johnson to participate in the Subcommittee's activities to such an extent.

We look forward to the Subcommittee acting on this complaint.

Sincerely,



Senator Mike McGinn



Senator Claire Robling

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR DEAN E. JOHNSON**

Senators Mike McGinn, Claire Robling, Dick Day, Warren Limmer, Geoff Michel, and Pat Pariseau, each being first duly sworn, state and allege under oath the following based upon information and belief:

1. Senator Dean E. Johnson addressed a gathering of clergy from New London and Spicer, Minnesota in the city of New London, Minnesota in January of 2006.

2. At this meeting, Senator Johnson spoke to the issue of a proposed amendment to the Minnesota Constitution defining marriage as a union between one man and one woman. This constitutional amendment has been, and is, an issue that will be considered by the Minnesota Senate in the 2006 legislative session.

3. As part of the discussion at this meeting, Senator Johnson is heard to state that he has had conversations with three of the justices of the Minnesota Supreme Court, naming one of them specifically, Senator Johnson, without qualification of any manner, asserted that those justices assured him that they would not find the current Minnesota statute that defines marriage to be unconstitutional.

4. Minnesota's Code of Judicial Conduct prohibits judges and justices from discussing cases that could come before the court and from committing to vote on a case or issue in a certain way if the case does come before them.

5. The former Chief Justice of the Minnesota Supreme Court specifically named by Senator Johnson has absolutely denied the assertion that she committed to any particular ruling or finding in this matter, stating "It just never happened."

6. The Minnesota Supreme Court has also issued a statement that as to any of the justices, "No such promise or commitment was made."

7. Nonetheless, in an interview with Minnesota Public Radio on March 16, 2006, Senator Johnson continued to assert that he had talked with one of the justices of the Minnesota Supreme Court about the legality of the Minnesota statutory amendments passed in 1997 defining marriage. Senator Johnson flatly stated that, in a casual conversation, the justice definitely assured him that the Supreme Court would not overturn the law.

8. However, changing his assertions, in a story regarding this issue that appeared in the March 17, 2006 edition of the Star Tribune newspaper, Senator Johnson is quoted in an interview with reporters from the newspaper that:

"I embellished it to say the judiciary doesn't seem too interested in overturning this".

9. On March 17, 2006, in a briefing with reporters, Senator Johnson again retreated from some aspects of his previous comments – the conversation involved only one justice and it occurred during a chance encounter. Nonetheless, Senator Johnson continued to assert that he had had a discussion with a justice regarding the legality of Minnesota's 1997 enactments defining marriage.

10. In an interview with reporters on March 20, 2006, current Chief Justice of the Minnesota Supreme Court, Russell Anderson flatly denied that any conversation, whether formal or casual, whether specific or general, had ever occurred between Senator Johnson and a justice of the Supreme Court. According to a story in the March 21, 2006 edition of the Star Tribune newspaper, Chief Justice Anderson stated that he had spoken with every member of the Court, as well as the former Chief Justice, and emphatically maintained that:

"we have not had conversations with Senator Johnson about DOMA [Defense of Marriage Act] or how we might decide any matter relating to it. This just never happened."

11. Senate Permanent Rule 56.1 states that "Members shall adhere to the highest standard of ethical conduct".

12. Senate Permanent Rule 56.3 provides the standard that "Improper conduct includes conduct ... that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute."

13. It is your complainants' belief that Senator Dean E. Johnson violated Senate Permanent Rule 56.

14. Senator Johnson made public comments regarding an issue before the Minnesota Senate. He is clearly making these assertions for the purpose of convincing participants at these meetings and the public generally that the proposed constitutional amendment defining marriage is unnecessary and that his opinion on the proposed legislation is correct.

15. Senator Johnson has repeatedly lied or misled in his assertions that he has had conversations or a conversation with former and/or a current member or members of the Minnesota Supreme Court during which he was assured that Minnesota's statutory

definition of marriage would be found constitutional. Senator Johnson has himself admitted that many aspects of his statements were not true or accurate. However, he has continued to claim that, in some form, he has had a conversation with a member of the Minnesota Supreme Court regarding this subject. As evidenced by the denials from the former Chief Justice and the current Chief Justice of the Minnesota Supreme Court, Senator Johnson's statements are false or misleading.

16. Your complainants ask that the Subcommittee on Ethical Conduct find that Senator Johnson has violated Senate Permanent Rule 56 and that it recommend such disciplinary action as the Subcommittee finds appropriate.

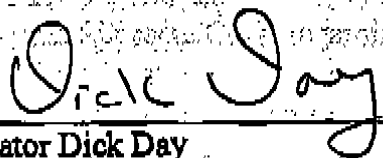
Date: March 22, 2006



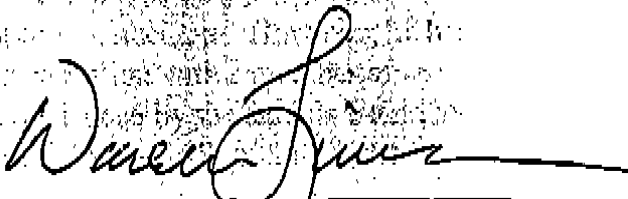
Senator Mike McGinn



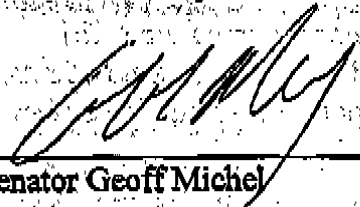
Senator Claire Robling




Senator Dick Day



Senator Warren Linnier



Senator Geoff Michel



Senator Pat Pariseau

public, on March 22, 2006.

Subscribed to, and sworn before me, a notary

