



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

OFFICE OF
APPELLATE COURTS

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LORI SWANSON
ATTORNEY GENERAL

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SUITE 1100
445 MINNESOTA STREET
ST. PAUL, MN 55101-2128
TELEPHONE: (651) 282-5700

Via E-mail and Hand Delivered

Minnesota Special Redistricting Panel
The Honorable Wilhelmina M. Wright, Presiding Judge
c/o Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, MN 55155

Re: *Sara Hippert, et al. v. Mark Ritchie, et al.*
Case Number A11-152

Dear Special Redistricting Panel:

At today's oral argument, the Panel inquired about the case authority for the principle that courts should not decide constitutional issues unless absolutely necessary. I had only one case citation in my possession at the time of the argument, *In re Senty-Haugen*, 583 N.W.2d 266, 269 n. 3 (Minn. 1998) ("It is well-settled law that courts should not reach constitutional issues if matters can be resolved otherwise.").

I am writing to provide the Panel with additional case authority for this proposition. *See, e.g., State v. Tennin*, 674 N.W.2d 403, 407 (Minn. 2004) (finding that a declaration of unconstitutionality should be made only "with extreme caution and only when absolutely necessary."), quoting *State v. Larsen*, 650 N.W.2d 144, 147 (Minn. 2002); *Head v. Special Sch. Dist. No. 1*, 182 N.W.2d 887, 505-506 (Minn. 1970) ("The power of the courts to hold the law unconstitutional is exercised only when absolutely necessary, and then, with extreme caution."); *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445 (1988) ("A fundamental and longstanding principle of judicial restraint requires that courts avoid reaching constitutional questions in advance of the necessity of deciding them.").

Sincerely,

KRISTYN ANDERSON
Assistant Attorney General

(651) 757-1225 (Voice)
(651) 282-5832 (Fax)



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cc: Alan W. Weinblatt/Jay Benanav/Jane L. Prince (via e-mail and U.S. Mail)
David L. Lillehaug/Christopher A. Stafford (via e-mail and U.S. Mail)
Marc Elias/William Stafford/Kevin J. Hamilton (via e-mail and U.S. Mail)
Eric Magnuson/Elizabeth Brama/Michael Wilhelm (via e-mail and U.S. Mail)
Thomas N. Kelly/Greg T. Kryzer (via e-mail and U.S. Mail)
Tony P. Trimble/Matthew W. Haapoja (via e-mail and U.S. Mail)

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