



**Office of the Minnesota Secretary of State**  
**Minnesota Public Benefit Corporation / Annual Benefit Report**  
*Minnesota Statutes, Chapter 304A*



Read the instructions before completing this form  
**Must be filed by March 31**  
**Filing Fee: \$55 for expedited service in-person, \$35 if submitted by mail**

The Annual Benefit Report covers the 12 month period ending on December 31 of the previous year.  
**Notice: Failure to file this form by March 31 of this year will result in the revocation of the corporation's public benefit status without further notice from the Secretary of State, pursuant to Minnesota Statutes, Section 304A.301**

1. Corporate Name: (Required) The Forum For Constitutional Rights, GBC
2. The public benefit corporation's board of directors has reviewed and approved this report.
3. In the field below, enter the information required by section 304A.301 subd. 2 or 3 for the period covered by this report, (see instructions for further information): Note: Use additional sheets if needed. (Required)

Please see attached supplement.

4. I, the undersigned, certify that I am the chief executive officer of this public benefit corporation. I further certify that I have signed this document no more than 30 days before the document is delivered to the secretary of state for filing, and that this document is current when signed. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

\_\_\_\_\_  
 Signature of Public Benefit Corporation's Chief Executive Officer

2/2/2022

Date (Must be dated within 30 days before the report is delivered to the Secretary of State for Filing)

**Email Address for Official Notices**

Enter an email address to which the Secretary of State can forward official notices required by law and other notices:

Check here to have your email address excluded from requests for bulk data, to the extent allowed by Minnesota law.

**List a name and daytime phone number of a person who can be contacted about this form:**

<u>Matt Ehling</u>	<u>651-335-2037</u>
Contact Name	Phone Number

**Entities that own, lease, or have any financial interest in agricultural land or land capable of being farmed must register with the MN Dept. of Agriculture's Corporate Farm Program.**

Does this entity own, lease, or have any financial interest in agricultural land or land capable of being farmed?  
 Yes  No

**The Forum For Constitutional Rights, GBC**  
**Information Required by Minn. Stat. § 304A.301, subd 3.**  
**(Supplement to 2021 Annual Benefit Report)**

The Forum For Constitutional Rights, GBC, is a Minnesota general public benefit corporation, organized to provide a general public benefit through its operations.

The Forum For Constitutional Rights, GBC (FCR) was registered by the Minnesota Secretary of State on December 21, 2020. 2021 was FCR's second year in business, and its first full calendar-year of operations.

FCR's articles describe the corporation's general public benefit purpose as follows:

“The Forum For Constitutional Rights, GBC ... shall be a general public benefit corporation organized and operated to pursue a general public benefit, focused on providing public education about constitutional history and constitutional rights, including but not limited to First Amendment rights. Public education activities undertaken by the Corporation may include, but are not limited to, publishing and filing of amicus briefs in court cases pertaining to First Amendment and free speech issues.”

To carry out this purpose, FCR engages in commercial activity in order to generate revenue sufficient to support the following activities:

1. Publishing books, pamphlets, electronic media, or similar, related to U.S. Constitutional history (either state or federal), or related public affairs issues that pertain to constitutional rights or other constitutional matters;
2. Filing amicus (friend-of-the-court) briefs in state and federal litigation that involve Minnesota or federal constitutional issues - including free speech issues.

FCR is non-partisan in its focus, and seeks to elevate the discourse about constitutional matters by highlighting the enduring principles that flow from America's constitutional tradition — such as free speech and due process protections. FCR seeks to maintain support for these ideas across the political spectrum, in order to ensure that these foundational concepts remain central to America's civic life.

In its amicus briefing practice, FCR supports plaintiffs irrespective of their political persuasion or other political considerations, and focuses solely on whether plaintiffs are seeking to protect and secure rights and principles guaranteed by the Constitution of the

#### 4. Setting up the web site infrastructure for FCR.

All publishing and legal activities undertaken by FCR were related to the pursuit of FCR's general public benefit purpose, as further described herein.

Achievement of public benefit: FCR's activities achieved and/or supported its public benefit purpose in the following ways:

1. Consistent with its mission to file amicus briefs in significant constitutional law cases, FCR filed a friend-of-the-court brief in the ongoing *Northland Baptist Church, et al v. Tim Walz, et al* litigation. The case is currently on appeal before the Eighth Circuit Court of Appeals.

The *Northland* litigation was filed in the wake of emergency "shutdown" orders being promulgated by Minnesota Governor Tim Walz - orders which closed all so-called "non-essential" businesses in the State of Minnesota, and barred (either in their entirety, or in significant part) religious, political, or other gatherings in the state. The Governor's shutdown orders were implemented with the stated aim of containing the coronavirus that causes COVID-19, and were continued in various forms for several months of 2020.

Plaintiffs in the *Northland* litigation included small business and church plaintiffs who brought claims in federal court for violations of the First Amendment and Fifth Amendment. Due to the significant constitutional matters at stake (including governmental interference with free assembly and property rights), FCR approached plaintiffs' counsel (the Upper Midwest Law Center) about filing an amicus brief in support of the plaintiffs after the resolution of the district court proceedings (given the likelihood of ongoing appeals, no matter which party prevailed at the district court level.)

The *Northland* litigation is notable in that it was the first case challenging the Governor's emergency shutdown orders in which claims by the plaintiffs were allowed to proceed. In an order stemming from the government's motion to dismiss, the district court ruled that the church plaintiffs' First Amendment claims could continue, and the State of Minnesota eventually entered into a settlement agreement with those plaintiffs stipulating that under any future emergency executive order, houses of worship in Minnesota shall not be regulated or restricted in a manner that is more severe than "the least restricted secular business" regulated by that order.

Fifth Amendment "takings" claims (and other claims) by the small business plaintiffs were dismissed by the district court, and were subsequently appealed to the Eighth Circuit Court of Appeals. FCR filed an amicus brief on behalf of the small business

and searchable for attorneys, researchers, and members of the public who are interested in matters of constitutional law. The site also contains FCR's annual "public benefit" reports for search and review by the public.

The Board has determined that FCR's construction and operation of a web site to house FCR's amicus briefs is publication activity consistent with FCR's mission, and which aligns with the third-party standard that guides FCR's work.

Circumstances that hindered efforts: During 2021, FCR encountered no circumstances that hindered efforts toward achieving its public purpose.

Certification of Approval: As required by Minn. Stat. § 304A.301, the Board certifies that it has reviewed and approved this report.

Signed,

A handwritten signature in black ink, appearing to read "Matt Ehling", is written over a solid horizontal line.

Matt Ehling  
Chair, Board of Directors  
The Forum For Constitutional Rights

February 2, 2022



**Work Item 1294378000030**  
**Original File Number 1201862200035**

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OFFICE OF THE SECRETARY OF STATE  
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**02/11/2022 11:59 PM**

*Steve Simon*

Steve Simon  
Secretary of State