



Irene Gomez-Bethke Papers.

## **Copyright Notice:**

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit [www.mnhs.org/copyright](http://www.mnhs.org/copyright).

STATE OF MINNESOTA  
SECOND JUDICIAL DISTRICT  
RAMSEY COUNTY COURTHOUSE  
ST. PAUL 55102



OFFICE OF THE  
ADMINISTRATOR

August 18, 1983

Jack and Irene Bethke  
4649 Decatur  
New Hope, MN 55428

On behalf of Alberto Miera and the courts of the Second Judicial District, you are cordially invited to attend a special swearing-in ceremony for him as he becomes a member of the Ramsey County Municipal Court.

The program is scheduled to begin promptly at 1:30 p.m. on Wednesday, August 24, 1983, in the City Council Chambers (room 350) on the third floor of the Ramsey County Courthouse in downtown Saint Paul. It will last approximately 30 minutes. An informal reception will follow in courtroom 1044 on the tenth floor.

With kind regards, .

Gordon M. Griller  
Judicial District Administrator

GMG:gj

**MINNESOTA MINORITY LAWYERS ASSOCIATION**

**PRESENTS A**

**RECEPTION HONORING ALBERTO MIERA**

**ON HIS APPOINTMENT TO**

**THE RAMSEY COUNTY MUNICIPAL BENCH**

**Date:** Saturday, September 10, 1983.

**Place:** University of Minnesota Law School  
Rare Book Room.

**Time:** 6:00 to 9:00 p.m.

**Food:** Hors D'oeuvres will be served.

**Drink:** Champagne for all.

**COME OUT AND HONOR JUDGE MIERA**

STATE OF MINNESOTA  
SECOND JUDICIAL DISTRICT

COUNTY-MUNICIPAL JUDGE SWEARING-IN CEREMONY

ALBERTO MIERA, JR.

1:30 p.m.  
WEDNESDAY, AUGUST 24, 1983  
SAINT PAUL CITY COUNCIL ROOM

\* \* \* \* \*

- I. Opening Special Session of Court
- II. Welcoming Remarks: Chief Judge Harold W. Schultz
- III. Comments:
  - Marlene Johnson  
Lieutenant Governor, State of Minnesota
  - Honorable Harriet Lansing  
Ramsey County Municipal Judge
  - Thomas Barrett, Esq.
- IV. Swearing-In Ceremony:
  - Oath of Office - Chief Justice Douglas Amdahl
  - Robing - Alberto Miera, Sr.
- V. Remarks by Judge Miera
- VI. Comments: Honorable Douglas Amdahl  
Chief Justice, State of Minnesota
- VII. Closing Special Session of Court -  
Chief Judge Schultz

\* \* \* \* \*

An informal reception provided by Minnesota Mining and Manufacturing in honor of Judge Miera will follow the ceremony in courtroom 1044 on the 10th floor of the Courthouse.



**STATE OF MINNESOTA**  
**OFFICE OF THE LIEUTENANT GOVERNOR-ELECT**

MARLENE JOHNSON  
LIEUTENANT GOVERNOR-ELECT

**ST. PAUL 55155**

November 22, 1982

Irene Gomez-Bethke  
4649 Decatur Avenue North  
New Hope, Minnesota 55428

Dear Irene,

Thanks so much for your note of November 9, 1982. I greatly appreciate your kind thoughts.

I am meeting with Mr. Alberto Miera and other leaders in the Hispanic community in my office on December 2, 1982 at 1:00 p.m. I'd like you to attend if you can. Please call my assistant Wendy Olson, to let us know.

Warm regards,

*Marlene*

Marlene Johnson  
Lieutenant Governor-Elect

MJ/dbs

**Andy Dawkins**

District 65A  
Ramsey County

**Committees:**

Economic Development and Housing  
Education  
Metropolitan Affairs  
Regulated Industries



# Minnesota House of Representatives

Robert Vanasek, Speaker

June 3, 1988

Dear

*Irene (and Marilyn Visil)*

On behalf of ourselves, Judge Alberto Miera, other public officials,\* and all of us concerned with the quality of justice in this country, we would like to invite you to participate in a news conference to be held in Room 181 of the State Office Building (next to the State Capitol) on June 9 at 10:00 a.m.

We have enclosed a prepared statement which will be read by us and other public persons. Hopefully, national media will attend. We will then stand for questions.

As you will see, the prepared statement is clearly written from the legislative perspective. Statements from an attorney's perspective, or a judge's perspective, would add a lot to the conference. Please consider preparing such a statement. For example, commenting upon the institutional racism in bail setting, sentencing, etc.

If you do not wish to participate by reading a statement, please consider attending simply in support of our statement.

Finally, at the press conference we tentatively intend to announce a massive petition drive in support of Judge Miera, urging him to end his fast. A copy of the petition is attached. Please hold on to it until the decision to proceed with it is made, then have it copied and widely distributed with instructions to have all petitions returned to Rep. Andy Dawkins, 371 State Office Building, St. Paul, Minnesota 55155 by June 20.

Please call with your questions, thoughts, and commitment to attend the news conference.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andy".

Andy Dawkins  
State Representative

AD:BF

A handwritten signature in cursive script, appearing to read "Sandy".

Sandy Pappas  
State Representative

Karen Clark  
State Representative

att.

Reply to: ☐ 371 State Office Building, St. Paul, Minnesota 55155  
☐ 788 Charles Avenue, St. Paul, Minnesota 55104

Office: (612) 296-5158  
Home: (612) 224-6270

\*It appears likely that some or all of the State's recent Human Rights Commissioners will attend and speak.

Diana Gómez Bethke

The intent of this statement is to address several issues:

- Disparate treatment of Judge Miera

- Institutional racism in the Media and courts
- Racism: Elements of Ethnic and Sexual prejudice
- Due Process: Court system.



ELECTED OFFICIALS STATEMENT TO THE PRESS

-- FIRST DRAFT --

PLEASE HOLD CONFIDENTIAL, PENDING REDRAFTING AND RELEASE TO THE PRESS.

In the next few weeks the Minnesota Supreme Court is expected to issue its decision on whether Judge Alberto Miera should be permanently removed from the Bench. The case has been proceeding through the system with a full airing of the facts. However, public discussion and understanding of the issues has been inadequate. There are a number of troubling issues which need to be more fully reported and discussed in an effort to improve our legal system. Given the facts in the record, then comparing Judge Miera's case with other disciplinary proceedings, and given the publicity surrounding this case, it is not surprising that some of our constituents have raised concerns that this proceeding has elements of ethnic and sexual prejudice.

The first issue is whether Judge Miera is being treated more harshly than other judges who have committed more serious indiscretions -- giving rise to a charge that racism and homophobia are operating in Judge Miera's case.

The Board of Judicial Standards has recommended his removal for the following alleged acts:

1. Arranging to be twice invited to spend the night at his court reporter's house; lying down next to his court reporter; touching his court reporter on the back; then leaving the room and saying to his court reporter the next morning, "Some day we'll have sex."
2. Kissing his court reporter on the lips in the Judge's Chambers.  
(Something Judge Miera denies; there were no witnesses.)
3. Touching the upper chest flap pocket of a female court clerk to deposit some coins for coffee.
4. While sharing a bunch of bananas with female court staff, remarking, "Do you eat bananas for the vitamins or for the phallic symbol?"



5. Calling his colleagues on the Ramsey County Bench "bloodthirsty hypocrites."

This is the extent to the wrongdoing found by the Board of Judicial Standards.

The "bloodthirsty hypocrites" comment raises troubling issues all of its own and will be dealt with more fully later on.

Considering for now only the charge that he made sexual advances, the worst that can be said about Judge Miera, assuming the court reporter is to be believed, is that Judge Miëra attempted to form a consensual relationship with another adult of the same sex, and that he was rather thoughtless on only two occasions (after his entire judicial career was carefully scrutinized) in how he treated female employees. In fact, the women testified that they were shocked at the "banana remark" mostly because Judge Miera had always been a perfect gentleman.

Compare this with the conduct of other judges who have not been removed from office for such acts as engaging in prostitution, touching court personnel on the breast and buttocks, kissing court personnel, presiding in court while drunk, falling asleep in court, committing adultery, making sexist remarks, and using bigoted language indicative of prejudicial treatment.

Judge Miera's conduct is certainly no worse and not nearly so contrary to the judicial ideals of fairness, impartiality and competence.

The legal basis for recommending Judge Miera's removal is that he has brought the judiciary into disrepute and undermined public confidence in the judiciary.

There can be no greater test of public confidence in the court system than having litigants feel they were fairly treated by their judge. We have not heard of one litigant complaint that they were unfairly treated by Judge Miera. In fact, his courtroom has a reputation in the community for being one of the fairest and most compassionate.

To say that the public has more confidence in a judge who has made racist remarks -- indicating a strong probability of prejudice, which is diametrical to the tenets of justice -- or in a judge who has been drunk in court, indicates that Judge Miera has been treated discriminatorily because he is bisexual, Hispanic, and because he has not comfortably fit into a "don't rock the boat" mentality.

Judge Miera has taken stands against injustice and oppression wherever he has seen it, whether it be in St. Paul's minority community, or in foreign affairs, or now in the legal system itself, and this has made him vulnerable to those same forces of injustice and oppression.

In particular we reference his calling some of his colleagues on the Ramsey County Bench "bloodthirsty hypocrites." The Board of Judicial Standards places great weight on this comment as a basis for his removal, and because the Board recognizes that even judges must be afforded some First Amendment freedom of speech, the underpinning for using this comment as a basis for removal is that the charge is unwarranted.

Let us deal with that first. One of the more troubling aspects to Judge Miera's case that has gone relatively unreported to the public is the basis upon which his credibility was attacked in the jury trial in Wright County (where the jury found "the kiss" occurred and constituted an assault worth \$375,000 in damages.)\*

---

\*It is also worth noting that the Judge who presided over the jury trial was asked to decide -- without the jury -- whether Judge Miera's court reporter had been sexually harassed in violation of the Minnesota Human Rights Statute. The Judge never did determine that the court reporter had been sexually harassed.

Four Ramsey County Judges and several other officers of the Court testified in Wright County that Judge Miera had a poor reputation for honesty. An examination of the record shows that the worst that could be said of Judge Miera's honesty is that he was rumored to have kept an attorney working after 4:30 p.m. without fully explaining his reasons; that he had stated he would look into taking down one of his campaign lawn signs, but the lawn sign stayed up; that he had made an experienced public defender -- who did not object -- proceed with a case although she was not fully prepared, after claiming that he never made an attorney proceed to trial unprepared; that he signed form letters thanking jurors for their service but made the letters appear to be more individualized; and other similar conduct barely meeting a threshold sufficient to form an opinion as to his honesty.

Judge Miera's basis for the "bloodthirsty hypocrites" remark stems from more than just this testimony against him at trial. In an unprecedented move, something which had never previously occurred in any case where proceedings were pending before the Minnesota Supreme Court on the issue of removing a judge from office, Judge Miera's Ramsey County brethren voted for his removal pending the Supreme Court's decision, and one Ramsey County Judge commented to the press that he didn't see how Judge Miera could continue to effectively be a judge. Another judge gave a victory party for the court reporter at the courthouse the day after the Wright County jury decision. A Ramsey County Judge who earlier had offered to assist in Judge Miera's defense, and requested of Judge Miera's defense counsel that he be kept informed of developments, subsequently behaved in a manner which was clearly hostile to Judge Miera and volunteered adverse testimony against Judge Miera. This was clearly not in keeping with his earlier assertions.

All of these events, and more, preceded Judge Miera's remark about "bloodthirsty hypocrites."

Given this factual background, Judge Miera may well have had a reasonable basis for calling some of his colleagues "bloodthirsty hypocrites"; that is: eager to see blood spilled and pretending to be something other than what is actually the case.

In addition, there is an explicit judicial canon forbidding judges from publicly commenting about a pending proceeding in another court.

Finally, this case has raised the question of what First Amendment rights judges and lawyers have to criticize the system. As elected officials representing our constituents, we believe it is important that any alleged unfairness or bias in the system be fully reported towards the end that any and all unfairness and bias be eliminated. If there is a fear to speak out either because of potential discipline from the Lawyers Board of Professional Responsibility or the Board of Judicial Standards or because of the inherent powers that judges have in deciding cases, then this is a societal problem raising important social and constitutional issues. We intend to ask the Legislature to hold a closed-door hearing where any individual who has firsthand knowledge about bias and prejudice in our court system can come forward without fear of retaliation, and we encourage anyone who has heard firsthand any statements indicating racial or ethnic prejudice by any judges or court officials to come forward, the sooner the better.

We want to determine how extensive, if at all, the racism and prejudice is, and how pervasive, if at all, the fear of speaking out is, in order to determine what level of criticism is appropriate to insure accountability in the system.

To conclude, we find it most unfortunate that a judge who has given so much to the community and the legal system may no longer be with us, either as a judge or a living human being. We, as a society, need to preserve the valuable assets that we have -- It needs to be said that Judge Miera's courtroom was free of racism and prejudice and that he served the public well.