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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MINNESOTA

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

JOSEPH KIRCHNER,

Plaintiff,

v.

KEITH ELLISON, in his official
capacity as Attorney General of the
State of Minnesota,

Defendant.

Case No.

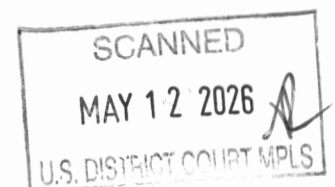
26-cv-2594-JMB/DJF

**EXHIBIT D: KEITH ELLISON
FEEDING OUR FUTURE
LEAKED AUDIO**

3
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Recording of December 11, 2021 Meeting

Date: December 11, 2021

Location: Minnesota Attorney General Keith Ellison's Office Suite

Duration: 54 minutes, 44 seconds

Recording Source: Defense Exhibit D1-710 (Aimee Bock federal trial); published by Center of the American Experiment

Audio File: [D1-710-2021.12.11-Keith-Ellison-New_Recording_37.m4a](https://files.americanexperiment.org/wp-content/uploads/2025/04/D1-710-2021.12.11-Keith-Ellison-New_Recording_37.m4a)

PARTICIPANTS

ID	Name/Role	Notes
KE	Keith Ellison	Minnesota Attorney General
ORG	Organizer/Facilitator	Political organizer; identified as "former Bernie Sanders campaign manager"
SAL	Salimen	Restaurant owner, Safari Restaurant
IAM	Iam Mohammed	Business leader
ABS	Abshir	Business leader
MAH	Maha Omar	Business leader
MUM	MMBA Representative	Minnesota Minority Business Association
ATT	Various Attendees	Business owners and community members

KEY TIMESTAMPS

Time	Content
0:00	Meeting begins; introductions
~10:00	Discussion of "racist, xenophobic, Islamophobic" treatment by state agencies
~20:00	Ellison acknowledges problem, mentions conversations with Jody Harstead
~25:00	Discussion of MDE, Feeding Our Future, and C-A-C-F-P program

~35:00	Discussion of systemic discrimination claims
43:30	Request for Ellison to intervene on behalf of businesses
44:26	Ellison: "Of course I'm here to help"
45:00	Ellison: "Let's go fight these people"
~50:00	Ellison provides his government email for complaints
54:37	Ellison mentions date (December 11) and Colombia trip; recording ends

1

2

TRANSCRIPT

3

4

PART I: INTRODUCTIONS AND BUSINESS OVERVIEW (0:00 - 10:00)

5

6

7

1. SAL: I'm from Somali. Yeah. I own restaurants and commercial properties. I'm a restaurant guy and also I own warehouses. We do distribution. We do most likely food services most of the time.

8

9

10

2. ATT: So we call him with all the issues with licensing and restaurants, try to get help—warehouses, restaurants. Most of restaurants, they have some sort of food services industry. Like if you need machines—ovens, coffee machines—you're just a supplier.

11

12

13

3. ATT: We called Salimen because in the beginning of the COVID they were the actual restaurant that stepped up to serve our elderly. It started with the elderly and then went down to children and families that weren't able to feed their children.

14

15

16

4. ATT: So then we said, "Hey, reach out to other restaurants," and they took that upon themselves. Especially kids when they don't go to schools—a lot of issues. And he's a huge contributor to Mayor Frey. So we figured, okay, this is a good guy.

17

18

19

5. ORG: Nasal, Iam and Blackie, they are business leaders amongst business leaders. Organizing hundreds of other small businesses in their industries and sectors, and they're here today as representatives of their cohort.

20

6. KE: Iam, what's your last name?

21

7. IAM: Mohammed. M-O-H-A-M-E-D.

22

8. ORG: And what's your last name?

23

9. ABS: Abshir. A-B-S-H-I-R.

24

25

10. ORG: Because there's a difference between businesses wanting to come together and people who know how to organize. Literally the first time when we say Isaiah and

1 Muslim Coalition, all this, people didn't know how to be a member as a business
2 organizational association.

3

4 **PART II: MMBA INTRODUCTION AND DISCRIMINATION CLAIMS**
5 **(10:00 - 20:00)**

6 **11. ORG:** So the Minnesota Minority Business Association is a collaborative—over 600
7 businesses from various industries in the care economy. And the one thing that they all
8 have in common outside of their ethnic origins is the battles they've been facing with
9 MDE, DHS, MDH, and various other state agencies that manage the care economy here
10 in Minnesota—counties and the counties.

11 **12. ORG:** And their commonality is that **every time East African business owners**
12 **enter a market segment, these various departments and counties come in in**
13 **arbitrary fashions, create unnecessary roadblocks and hurdles, and at times**
14 **conduct business in a very racist, xenophobic, Islamophobic manner.**

15 **13. ORG:** And our community has spent millions of dollars hiring lawyers to sue, to
16 protect our businesses. And these attacks keep coming. In the last few years, business
17 owners from the childcare sector came together and they started organizing and they
18 started becoming a little bit more proactive in fighting for their businesses and their
19 communities.

20 **14. ORG:** But what MMBA is doing is bringing together these varied sectors of the care
21 economy to work together in collaboration—to organize money, to organize people in
22 order to achieve our legislative aims. **We're not asking for anything special. We're**
23 **asking to be treated just like any other business in the state and to be respected in**
24 **that sense.**

25 **15. ORG:** But what we are seeing today is our business leaders are moving from our
26 parents' generation to my generation, and we operate a lot differently. We don't have the
27 same fear that our parents did. We understand how the laws work in this country, but
28 more importantly, how power is actually achieved and how it is used for your aims.

29 **16. ORG:** And we are interested in protecting our resources that we are currently
30 having—our business owners, the properties that we own, the lines of businesses that we
31 operate in. We're interested in protecting what we have currently and also in expanding
32 our scope. And we are organizing in a very different way.

33 **17. ORG:** So MMBA—we have a C-4 now and **we are not gonna be as quiet and**
34 **amenable as our parents' generation. We are gonna be loud and aggressive and we**
35 **are gonna be organizing for our interests.** We don't care about the person's religion,
36 their background, who they're friends with. We are interested in—are you aligned with
37 our vision and our values? And we are willing to put our money where our mouths are.

1 **18. ORG:** Helping elected officials that are interested in protecting communities of color
 2 specifically and creating a business atmosphere that's fair and equal—not one where we
 3 are targeted arbitrarily and capriciously by different departments because of the origin of
 4 our nation and our religion and our color.

5 **19. ORG:** But I'm preaching to the choir. You serving in Congress—I still remember
 6 when I lived in Seattle, when that debate was happening about you swearing in on the
 7 Quran. Your basic faith being attacked, but you shut them the hell up. And your time in
 8 Congress—one of the most difficult periods politically for Muslims in this country, and
 9 you having to fight that battle alone. And then now in the Attorney General's seat.

10 **20. ORG:** And as you're well aware of, this community has been behind you and we
 11 continue to stand behind you. But we are dealing with some very difficult market forces
 12 acting against us, and it is costing us tens of millions of dollars a year in legal defenses.
 13 And businesses closing and the psyche of our community being fractured. And it is
 14 wrong—it's absolutely wrong. It's illegal, it's immoral, and it is not what should be
 15 happening here.

16

17 **PART III: ELLISON ACKNOWLEDGES PROBLEM (20:00 - 25:00)**

18 **21. KE:** Well, let me tell you this. I'm very concerned about it. **I don't run the agencies.**
 19 **But let me just finish by saying—but often the agencies call on my lawyers to**
 20 **represent them.** And so it's good that we're talking because we've been in a series of
 21 conversations with Jody Harstead as late as a week ago on how you cannot crunch down
 22 on these.

23 **22. KE:** Because here's the thing—as big as you are collectively, most are pretty small.
 24 And **you're running small, tiny businesses out of business over nothing.** And a lot of
 25 times, if you think there's a problem—I mean, look, everybody has to comply with what
 26 the rules are. But if somebody submits something that's not in the right format, then you
 27 call 'em and say, "This is not in the right format." **Not "You're out. You're done. Your**
 28 **contracts are over."**

29 **23. KE:** And so this has my attention. I'm extremely frustrated by it. But **we are in the**
 30 **middle of a battle with the agencies now.** And I can tell you this—**Walz agrees with**
 31 **me that this piddly stupid stuff, running small people out of business, is terrible.**

32 **24. KE:** But it's the problem of—it's the classic problem. If he's here, and this guy here is
 33 giving these businesses a hard time, this guy, these folks somehow say, "Hey, they're
 34 picking on me." And he's like, "Oh, us? No we're not." And so it's this back and forth. So
 35 now what we gotta do is make it clear that this guy has gotta stop it.

36 **25. KE:** But he knows that there's a lot of unfair, discriminatory stuff going on with East
 37 African businesses. I know it. These department heads—like, you know, Julie Harstead
 38 now knows that we know it. And she says we're gonna stop doing it. But I don't believe it

1 until you tell me they've stopped doing it. Because the real—we're talking about when the
2 rubber hits the road.

4 **PART IV: ELLISON OFFERS DIRECT ACCESS (25:00 - 30:00)**

5 **26. KE:** So we've gotta stay specific. There will be cases that—I want you to feel free to
6 **call me directly.** Feel free to call me directly. And it is my goal to see prosperity among
7 people who've been denied it, you know?

8 **27. KE:** I think it's very kind and important for you to say that new American
9 communities appreciate the sacrifices of people who come before, but we're all in this
10 together. We don't recognize no differences between us. We are one. And we're going to
11 stand up for each other and make sure that we get some things fixed.

12 **28. KE:** Absolutely, I do recognize there's a problem. But what I really need to move to
13 be effective on your behalf is to get specific. And it's like, you know, "This sister on this
14 day is having this problem on this"—and then I can call up and say, "What is the
15 problem?"

16 **29. KE:** And let me tell you—**just being able to say, just getting the question, just**
17 **getting the inquiry from the AG is sometimes enough to make people knock it off.**
18 Because they're doing this undercover of darkness.

20 **PART V: CACFP PROGRAM DISCUSSION (30:00 - 40:00)**

21 **30. ATT:** One of the biggest issues facing in our community is the CACFP program—
22 Child and Adult Care Food Program. And how the Department of Education—

23 **31. KE:** Wait a minute, what is that?

24 **32. ATT:** Child and Adult Care Food Program. CACFP. It is a program from the USDA.
25 It's available in all 50 states and territories, and it's managed by generally the Department
26 of Education in each state. It's federal dollars funneled into the state to feed children and
27 adults with developmental disabilities.

28 **33. ATT:** This program has been around since the 1960s. It's the sister program of free
29 and reduced—free and reduced ensures children have access to food while they're at
30 school. It was actually started by an African American.

31 **34. KE:** Really?

32 **35. ATT:** Yes. Black Panther started. And it's been around since.

1 **36. KE:** So who's—so is it federally funded, locally administered by the state, by MDE?

2 **37. ATT:** Okay. And the Department of Education has been managing this program for
3 several decades, and due to the COVID pandemic, the US Federal Government instituted
4 changes to the management of the program, which allowed for expanded access to
5 communities in our state.

6 **38. ATT:** And there has been tremendous growth. Our community members and business
7 owners have stepped up to ensure that we're feeding thousands of children every single
8 week, making sure they have access to healthy, high quality, nutritious meals at home—
9 culturally appropriate.

10 **39. ATT:** It is a massive program that has brought hundreds of millions of dollars to the
11 state of Minnesota, created thousands of jobs, strengthened the capacities of hundreds of
12 nonprofits. **But MDE saw a bunch of East African business owners taking part. And**
13 **just like we've seen with MDH, the DHS and the various other programs, they came**
14 **down hard.**

15 **40. ATT:** And we have been fighting for our lives and we have been kicking their butt,
16 but we cannot be in this position where we are on defensive mode all day long. It's bad
17 for business. You cannot grow. You can't create new jobs. It is bad for our community.
18 It's discriminatory.

19
20 **PART VI: FEEDING OUR FUTURE AND MDE DISPUTE (40:00 - 43:30)**

21 **41. ATT:** One sponsor, for example, **Feeding Our Future feeds 150,000—**

22 **42. KE:** Feeding Our Future. I've heard that name.

23 **43. ATT:** Right. And **MDE has fought in very disgusting ways—and I mean beyond**
24 **any level of decency.**

25 **44. KE:** Do you have a name?

26 **45. ATT:** Monica Herrera. Director of Food and Nutrition Services, MDE. MDE has
27 acted so recklessly that a district court judge in Minnesota found them in contempt for
28 arbitrary and capricious behavior, and stated in his opinion he did not have any faith that
29 they would follow his court order—which they did not.

30 **46. ATT:** And Monica Herrera in her public statement said she disagreed with the judge
31 in the court, and that she would do it all over again. **This is a form of violence against**
32 **our community under the color of law and it shouldn't stand.**

33 **47. KE:** What does she say in her own defense? Does she say "It's not my fault, it's this,
34 it's that"? What is her position? How does she justify her actions?

1 **48. ATT:** Her statement was she did not agree with the court's decision. And the judge in
 2 his statement—we'll get the statement to you via email. The judge basically stated **he had**
 3 **no faith that the Department of Education would follow the court directive**—which
 4 they did not—and other injunctions were filed against them.

5 **49. ATT:** But basically we have a reckless department on the loose that's not following
 6 state law. And you are in the difficult position under statutory law to defend that
 7 department.

8 **50. ATT:** Your office is spending a lot of money defending criminal-like behavior, and
 9 you are required to.

10 **51. KE:** Well, this—and **this is the first I'm really hearing about it.** You know, I got
 11 400 people at the AG's office. They get calls. We have cases which represent us. They
 12 don't run 'em all past me. They just know they're supposed to do this.

13 **52. KE:** But when you tell me, "Hey, this is a problem," I call somebody and say,
 14 "What's going on?" And if we don't want to do what the agency's saying—I call the
 15 agency head or the governor and say, "We cannot do this."

16 **53. KE:** I mean, we do this fairly regularly. Usually it's environmental stuff when we
 17 have to say, "We're not gonna defend that." And there's other things. And then they gotta
 18 negotiate or we tell 'em, "You're gonna get sued. You cannot violate the law this way."

19 **54. KE:** And so this is a very good conversation to have. And quite honestly, **I wouldn't**
 20 **even know about it unless she told me.** Because I only hear about problems.

21 **55. KE:** But Monica Herrera—so while we were talking, I sent a note to my staff named
 22 Lua, who I think supervises the lawyers who represent MDE. And I asked her, "What is
 23 going on here, Lu? Can you tell me who represents MDE? What's going on with the
 24 Child and Adult Food Program? Hearing a lot of complaints." So I should hear something
 25 pretty soon.

26

27 **PART VII: SYSTEMIC DISCRIMINATION CLAIMS (43:30 - 44:26)**

28 **56. ATT:** Brother, this is the concept the state has. They have contracts, they give—they
 29 are work that people do for the state, starting from the largest insurances who are billing
 30 the state or federal government. Insurance owned by white people—nobody questions.

31 **57. ATT:** There was—last time, you remember—your office knows that there was a
 32 billion dollar fraud money in the insurance industry that has been investigated. And what
 33 they did—they assigned and allocated a team of lawyers to give compliance trainings and
 34 to show them how to do this. Like a billion dollar billing—somebody billed the state.
 35 And also there was like a huge case.

1 **58. ATT:** But yet what's happening here? The state employees, the technical people,
 2 people who work under you—they develop this kind of concept where if a Black
 3 community, if they see like a progress of somebody billing the state, whether it's
 4 MDE, DHS, MDH—if somebody's billing the state over a certain amount of money,
 5 they're obligated to automatically red flag.

6 **59. ATT:** They said that to us at DHS. Verbally. Reggie Wagner verbally said that to us.
 7 Remember when we said, "How do you determine fraud?" **They said, "We look at**
 8 **who's billing the most."**

9 **60. ATT:** So if I'm a childcare center who's located in North Minneapolis and I happen to
 10 have a hundred kids that are all low income, all CCAP—that's a red flag. Straight up.

11 **61. ATT:** Jim Couple, who was Commissioner—he said, "Listen, this department is so
 12 racist. Even if you replace the director, you can't." The Commissioner cannot do
 13 anything. He said, "We have to fire the entire—like people who were working for 30, 35
 14 years, 40 years in this department."

16 **PART VIII: POLITICAL ORGANIZING AND CAMPAIGN SUPPORT**
 17 **(44:00 - 44:26)**

18 **62. ORG:** So, brother, we have systemic patterns of abuse, waste, and fraud from the
 19 departments claiming the same from minority business owners. And we've taken it far too
 20 long. But we are not willing to operate under that paradigm anymore.

21 **63. ORG:** And we are jumping into the fight with some serious money, serious
 22 organizing. **And we need you in this fight with us.** And I know you're gonna get hit
 23 hard.

24 **64. KE:** How am I gonna get hit hard—politically? How? From who? Where?

25 **65. ORG:** Opponents. Establishment. They're hitting you hard all the time.

26 **66. KE:** Yeah. So nothing's new.

27 **67. ORG:** What we're saying is—we want to invest in leaders. They threatened to kill me
 28 last week.

29 **68. KE:** Last week?

30 **69. ORG:** Yeah. Last week.

31 **70. KE:** And Ilhan gets more so.

32 **71. ORG:** Oh yeah. Every day. What we're saying is we need to cultivate our leaders to
 33 fight for these communities and not just that—to grow and develop and bring a new

1 generation of leaders into office. And we are ready and willing to back those efforts all
 2 the way. But we need a true and steadfast partner to fight for basic justice. And that is
 3 your motto.

4

5 **PART IX: KEY STATEMENTS — "OF COURSE I'M HERE TO HELP" /**
 6 **"LET'S GO FIGHT THESE PEOPLE" (44:26 - 45:30)**

7 **72. KE:** Well, brother, let me just tell you this. **Of course I'm here to help.** I mean—but
 8 let me be clear. I'm not here because I think it's gonna help my reelection. No. **I don't**
 9 **give a—I don't care about no reelection.** I voluntarily threw my congressional career
 10 away. I'm like, I don't wanna do it anymore. It's boring to me. So to do this, to do what
 11 I'm doing now.

12 **73. KE:** So of course I didn't leave that job to do nothing in this job. I mean, is this—am I
 13 gonna get more hits than I got by prosecuting a police officer and giving 'em life in
 14 prison? Uh-uh, right.

15 **74. KE:** So we're gonna—yeah. So **let's just go—let's go fight these people.**

16 **75. KE:** So the question—the question is figuring out exactly how to put a stop to it.
 17 Right. So, what happened? The "how" is the real question for me. Here—the how. How
 18 do we do it? Because we know we should do it. It's not what we're doing. We kind of
 19 know a little bit about who's doing it. And now we need to figure out exactly how we
 20 deal with it.

21

22 **PART X: ELLISON PROVIDES CONTACT INFORMATION (50:00 -**
 23 **54:00)**

24 **76. ATT:** April 30th, I got shut down and they put me on pause.

25 **77. KE:** You mean April? April 30th?

26 **78. ATT:** April 30th, yeah. Throughout the whole summer and the fall.

27 **79. KE:** You ain't had no money since then?

28 **80. ATT:** No. I have like 10 pallets sitting at Safari. The expiration is about like \$80,000
 29 worth.

30 **81. ORG:** So the lawsuit actually initiated from the restaurant, especially Safari. Safari
 31 was the largest. And obviously being the largest restaurant, they had that big old wedding
 32 hall. They would host families to come in, pick up their food.

1 **82. KE:** Give me your email. Okay. Send it to my government email. Keith—K-E-I-T-H
2 dot Ellison—E-L-L-I-S-O-N at AG dot State dot M-N dot U-S.

3 **83. KE:** And just send me the names of all these folks who are just hung up and like
4 hanging on by a thread and barely gonna—and probably ain't gonna survive unless
5 they get their money soon.

6 **84. KE:** That I can take that list and start saying—and I can call Jody Harstead, the
7 person over at Education, and say, "What is going on? Why am I getting these
8 complaints?" And start—and I'll call 'em in my office and demand some explanations.

10 **PART XI: RECORDING ENDS (54:37)**

11 **85. KE:** So what's today? The 11th?

12 **86. ATT:** Yes.

13 **87. KE:** Yeah. So I gotta go down to Colombia on the December—

14 *[Recording ends at 54:37]*

16 **KEY FINDINGS FROM THIS RECORDING**

17 **1. Ellison Acknowledges Active Battle with State Agencies**

18 "We are in the middle of a battle with the agencies now." (§23)

19 "Walz agrees with me that this piddly stupid stuff, running small
20 people out of business, is terrible." (§23)

21 **2. Ellison Pledges Assistance to Attendees**

22 "Of course I'm here to help." (§72, at 44:26)

23 "Let's just go—let's go fight these people." (§74, at 45:00)

24 **3. Ellison Claims Ignorance of Problems**

25 "This is the first I'm really hearing about it." (§51)

26 "I wouldn't even know about it unless she told me." (§54)

4. Ellison Offers Direct Intervention

"I want you to feel free to call me directly." (§26)

"Just getting the inquiry from the AG is sometimes enough to make people knock it off." (§29)

"Send me the names of all these folks... I can call Jody Harstead... and demand some explanations." (§83-84)

5. Attendees Explicitly Mention Feeding Our Future

"One sponsor, for example, **Feeding Our Future feeds 150,000—**"

Ellison: "**Feeding Our Future. I've heard that name.**" (§41-42)

6. Political Support Discussed

"We want to invest in leaders... And we are ready and willing to back those efforts all the way." (§71)

Ellison references not caring about "reelection" after being told the group wants to "invest in leaders" with "serious money." (§72)

TIMELINE CONTEXT

Date	Event
December 11, 2021	This recorded meeting takes place
December 20, 2021	Ellison accepts \$10,000 in campaign contributions from meeting attendees
January 2022	FBI raids Feeding Our Future offices
September 2022	Federal indictments announced
2023-2025	70+ defendants convicted in Feeding Our Future fraud scheme

RELEVANCE TO KIRCHNER V. ELLISON (Case No. 26-CV-726)

This recording demonstrates:

- 1 1. **Selective Enforcement:** Ellison offered direct intervention ("call me directly,"
2 "demand some explanations") to politically-connected constituents while denying
3 Plaintiff's criminal referral with a false statement that his office lacks prosecution
4 authority.
- 5 2. **Acknowledgment of Authority:** Ellison acknowledges he can "call the agency
6 head or the governor" to refuse to defend agencies, and that "just getting the inquiry
7 from the AG" can resolve issues—contradicting his claim of lacking authority.
- 8 3. **"Fight These People" Statement:** Ellison's offer to "fight these people" (referring
9 to state agencies investigating fraud) demonstrates willingness to use his office to
10 oppose fraud investigations—the inverse of what he claimed in denying Plaintiff's
11 referral.
- 12 4. **Contemporaneous Knowledge:** Despite claiming "this is the first I'm really
13 hearing about it," the meeting occurred while fraud investigations were ongoing,
14 and attendees specifically mentioned "Feeding Our Future" by name—which
15 Ellison acknowledged he had "heard."

TRANSCRIPTION NOTES

- 18 • Transcript prepared from audio recording for use as court exhibit
- 19 • Speaker identifications based on context and introductions within recording
- 20 • Some speakers could not be individually identified and are marked as "ATT"
21 (Attendee)
- 22 • Minor verbal fillers retained for accuracy
- 23 • Bold text indicates key quoted statements
- 24 • Paragraph numbers assigned for citation purposes
- 25 • Recording was made without Ellison's knowledge by an attendee

26 **Certification:** This transcript represents a good-faith effort to accurately capture the
27 statements made in the referenced audio recording. Original audio file should be
28 consulted for verification.