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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH
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7 KARUK TRIBE OF CALIFORNIA, a federally
8 recognized organization; and FRIENDS OF THE
9 RIVER FOUNDATION, a California nonprofit
organization,

10 Petitioners,

11 v.

12
13 TRI-COUNTY METROPOLITAN
14 TRANSPORTATION DISTRICT OF OREGON,

15 Respondent.

Case No.: _____

Petition for Writ of Review

16 Petitioners allege:

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18 1.

19 Petitioner Karuk Tribe of California is a federally recognized tribe. Petitioner
20 Friends of the River Foundation is a California nonprofit organization.

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22 2.

23 Respondent is an Oregon mass transit district organized for a public purpose
24 pursuant to ORS chapter 267.

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26 3.

1 Respondent has adopted a policy for the display of advertising on its buses.

2 4.

3 Petitioners are interested in restoring salmon runs on the Klamath River, which
4 have been impeded by dams built to generate electricity. As part of public information
5 campaign relating to the dams, petitioners submitted a proposed advertisement to
6 respondent, a copy of which is attached to this petition as exhibit A. The ad depicts three
7 salmon facing a wall of electrical sockets, and bears the caption:
8

9 "Salmon shouldn't run up your electric bill.

10 "They should run up the Klamath River."

11 5.

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13 Respondent's Advertising Standards Committee" rejected the proposed ad on the
14 ground that it did not constitute an "advertisement" and that respondent did not want its
15 property "to become a public forum for the dissemination, debate, and/or discussion of
16 public issues."
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18 6.

19 Petitioners appealed the Committee's decision to respondent's general manager,
20 who upheld the decision by letter dated January 18.

21 7.

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23 Respondent's decision to reject the add constitutes an unlawful restriction on
24 speech in violation of Article I, section 8, of the Oregon Constitution, and the First
25 Amendment to the United States Constitution.
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