



ISSUE 1, VOLUME 40, SPRING 2007

E.B. MACNAUGHTON AWARD GOES TO ELDEN ROSENTHAL PORTLAND CIVIL RIGHTS ATTORNEY TO BE HONORED AT MARCH 3 DINNER

In 1976, the ACLU of Oregon was profiled in *Northwest*, the now-defunct Sunday magazine supplement of *The Oregonian*. That story, "Re-Examining Our Rights on this 4th of July," opened with comments from a young Portland attorney and ACLU supporter, Elden Rosenthal – who was pictured with bushy sideburns the size of kitchen spatulas.

In discussing his affinity for civil liberties, Rosenthal explained that "somewhere in my mind was the idea that the only thing that makes America any different than pre-World War II Germany is the Bill of Rights."

Fast-forward 30 years. Rosenthal still is an ACLU supporter, still committed to the Bill of Rights. The big sideburns are gone, but the big ideals are not.

That longevity, and a string of high-profile civil liberties and civil rights cases, earned Rosenthal quick and unanimous acclaim from the ACLU of Oregon Awards Committee as this year's E.B. MacNaughton Civil Liberties Award winner. He joins an illustrious list of past winners, including Charlie Hinkle, Betty Roberts, Stephen Kanter, Barbara and Frank Roberts, and Stevie Remington.

The award honors individuals or groups who, by particular deed or long record of service, have made outstanding contributions to civil liberties or civil rights in Oregon.

ACLU of Oregon Board Member Kris Olson serves as Awards Committee chairperson. She described the selection process:

"When Elden Rosenthal's name was proposed to the Awards Committee, Charlie Hinkle's immediate response was, 'Why, we don't even have to meet!' Elden's nomination was met with universal acclaim.

"Among those who heed the ACLU's call to stand up for civil liberties," she added, "Elden towers."

The son of a rabbi, Elden Rosenthal was born

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Elden Rosenthal

CAMPAIGN FINANCE REFORM AND FREE SPEECH

FROM THE EXECUTIVE DIRECTOR

A few weeks ago I ran into former U.S. Rep. Jim Weaver outside a supermarket in Eugene. In the interest of full disclosure, you should know that I worked for Jim Weaver in his Eugene district office from 1977-81.



David Fidanque

Jim always has encouraged me to keep up the good work for ACLU and urged me to be on my guard against the authoritarian "wolves" inside the U.S. government. Since 9/11, much of what he warned me about has come to pass.

Bolstered by a November election indicating we actually might restore some of the civil liberties we have lost during the past six years, I expected a warm reception from Jim as I wished him a Happy New Year.

"Fidanque," he said with a pleasant but quizical look. "I'm mad at you! You helped defeat Ballot Measure 46. That was the best chance we've had for real campaign finance reform in a generation."

In case you've forgotten, Measure 46 would have eliminated Oregon's free speech protections for political campaign contributions and expenditures. I reminded Jim that ACLU's mission is to defend the Bill of Rights, and nothing is more fundamental than our constitutional right to speak and organize to elect the candidates that represent the views we support.

"But money is not speech," Jim said.

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A LETTER FROM THE PRESIDENT



STUART KAPLAN

2006 was a year of important milestones and significant accomplishments for the ACLU of Oregon. We celebrated our 50th Anniversary in 2006 and among the various activities that marked that milestone was a gala dinner attended by 400 members and supporters. Other special events in honor of our 50th Anniversary included a reunion of founders of the ACLU of Oregon and former board members, an annual membership meeting in Portland that was simulcast to additional attendees in Newport, Bend, Corvallis, Eugene and Ashland, and a reinvigorated Banned Books Week celebration that reached more than half of Oregon counties.

Efforts to protect civil liberties and secure basic rights through litigation continued to be a vital and effective part of our work in 2006. Some examples are a lawsuit challenging actions of the Secret Service and local police to silence anti-Bush demonstrators in Jacksonville, Oregon, and a complaint we filed with the Oregon Public Utility Commission regarding possibly illegal disclosures of customer records by telephone companies to the National Security Agency. The U.S. Supreme Court upheld Oregon's Death with Dignity law in 2006, an outcome in which we can take considerable pride. ACLU of Oregon supported this law when it came before the voters in 1994 and has assisted in its defense against subsequent challenges in the federal courts.

We were also successful in helping to defeat two measures on the November ballot with significant civil liberties implications. Measure 43's parental notification requirement was yet another attempt to undercut the basic privacy rights enshrined in *Roe v. Wade*, and Measure 46 would have weakened the Oregon Constitution's free speech clause.

While the ACLU is well known for its work in the courts and on legislative matters, our educational efforts are no less important. For us, "education" encompasses a range of initiatives and programs, including our recently expanded website, volunteer speakers at community events and in the schools, email action alerts, and this newsletter, which is now received by more than 17,000 ACLU of Oregon supporters.

Shortly after the terrorist attacks on Sept. 11, 2001, the leadership of the National ACLU and the state affiliates decided that a strong education program would be a critical part in our efforts to protect civil liberties in the emerging "War on Terror." You may have seen print and broadcast ads alerting Americans to the dangers of several aspects of the Patriot Act. As part of this post-9/11 education effort, the Oregon ACLU mounted a very well-attended series of "Safe and Free" informational events at locations around the state. I'm convinced that successful educational campaigns at the national and state level are a big reason why our membership in Oregon has nearly tripled since 9/11.

Everyone reading this newsletter can contribute to the effort to educate Oregonians about the need to jealously protect our basic freedoms in these times. And we all can take pride in a strong and effective ACLU affiliate. I look forward to visiting with many of you at the E.B. MacNaughton Award Dinner on March 3.

Stuart Kaplan

President, ACLU of Oregon Board of Directors

CAMPAIGN FINANCE

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I hear this refrain often from ACLU members and others who disagree with our stance. Even within the organization, our position on campaign finance restrictions has been controversial since it was first adopted in 1974.

Personally, I'm sympathetic to the call for reform of political campaigns. The cost of campaigning for both candidates and ballot measures has grown dramatically over the past 30 years.

While ACLU doesn't support or oppose candidates, we are very active in ballot measure campaigns. We played a major role in the defeat of Measure 43, the anti-abortion, parental notification measure. We worked hard to raise and spend more than \$1.4 million as part of that effort. (Thanks again to those of you who made personal contributions or volunteered to help.)

We've worked hard in previous election cycles to defeat ballot measures that targeted the lesbian, gay, bisexual and transgender communities. We started out behind in the polls in all of those campaigns, and it took tremendous efforts, including millions of dollars, to run those campaigns — and we haven't always won.

Believe me, I understand the toll that expensive statewide campaigns can take — especially on candidates who have to be on the phone for hours every day dialing for dollars.

I used to think that contribution and spending limits were the best hope for campaign finance reform. For a number of reasons, I've changed my mind.

The day I saw Jim Weaver, I reminded him that he was the one who convinced me that contribution limits haven't worked at the federal level. In the old days, Jim used to tell me, there was competition between the aerospace corporations for federal contracts.

"You could see during the debate on the Defense appropriations bill," Weaver would say, "there was the Congressman from Lockheed, the Congressman from McDonnell-Douglas and the Congressman from Boeing."

The benefit of the old system was that you could easily find out which members of Congress were beholden to which corporations. All that changed with the advent of contribution limits is that candidates for Congress have had to go to dozens more special interests to raise the money to campaign.

When the U.S. Supreme Court upheld contribution limits in 1976, they held that such restrictions were justified in order to avoid the "appearance" of impropriety by elected officials. Unfortunately, contribution limits have had the opposite effect. Forcing candidates to go to more PACs and individuals to raise the money needed to run an effective campaign makes candidates beholden to dozens of special interests, each with a

stake in the outcome of elections.

Even if that were not the case, the Supreme Court left two gaping loopholes.

First wealthy candidates can spend unlimited amounts of their own money on their campaigns. That has been largely responsible for the number of millionaires now serving in the U.S. Senate.

Second, independent committees and individuals can spend virtually unlimited amounts of money in support of candidates as long as the candidate has no knowledge or control over that independent spending. While the McCain-Feingold bill recently placed some restrictions on some independent expenditures, it also has caused new problems.

The high cost of communicating with voters has been almost completely ignored in the debate over campaign finance reform. Costs for television and radio spots have risen even more dramatically than campaign spending, yet almost no one is talking about trying to rein in the profits that broadcasting companies reap from political advertising.

So where does the ACLU come down?

First of all, ACLU's position is that meaningful campaign finance reform can occur only if all candidates are guaranteed public financing that is adequate to deliver their message to voters. As with most issues related to free expression, we believe the answer is more speech, not less.

The constitutional guarantee of free expression should not be viewed as an obstacle. We must defend our core constitutional freedoms — whether the calls to erode those freedoms come from our political opponents or our friends.

Measure 46 was opposed by many organizations across the political spectrum because they understood that the Bill of Rights needs to be stronger than ever, not undermined.

Instead of arguing about constitutional amendments, we should work together to support public financing of election campaigns. That is the only option that holds the promise of reducing the hold of wealthy special interests in electing candidates.

Jim Weaver agreed with me that public financing is a worthy goal, but he wasn't ready to give up on contribution and spending limits. You may agree with him, but I hope you'll also agree that ACLU has to support the Bill of Rights — even if we aren't always comfortable with what that means.

Thanks again for your support of ACLU and for your support of civil liberties and civil rights.

*David Fidanque
Executive Director, ACLU of Oregon*

***ACLU's position
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Legislative Update

By the time you read this, the Oregon legislature will be well into its 2007 session, and we expect many civil liberties issues will be at play. Having started on January 8, the legislature plans to adjourn on June 29 and to reconvene for a “special session” in February 2008. This is the beginning of a multi-year process to turn our now biennial session into an annual session.

To educate legislators about the importance of civil liberties, we believe it is critical to increase the presence of our membership in the political process. In the near future, we hope to create a civil liberties lobby day where hundreds of ACLU members will fill the Capitol, and legislators will truly understand and appreciate that no matter what part of the state, there is an active ACLU presence in their district. For now, we urge you to join our email action alert program. Many of you may be part of the national ACLU’s email action alert; we also need you to join ours, which you can do by signing up at www.aclu-or.org (click on “Sign up now for action alerts”).

When legislation comes up before committees or goes to the floor of the House or Senate, we want ACLU members calling their elected representatives and urging them to do the right thing. We know this makes a difference. We will call on you when we have positive legislation, such as proposals to create civil unions for same-sex couples, expand the anti-discrimination law in Oregon to include sexual orientation, and retain our DNA Innocence law available for those who have exhausted their appeals. And we will call on you when we have legislation detrimental to civil liberties such as attempts to implement Real ID (see related story), a state-run prescription database, proposals creating new crimes, such as the crime of possession by consumption (targeting pregnant women and students), and a myriad of other “new” ideas that undermine our fundamental protections. For all of these proposals, the ACLU will be present to testify and lobby legislators in Salem. But we will be even more effective when legislators hear from you, our members, letting them know why an issue is important to you, their constituents.

Sign up today to receive our email action alerts, as well as a new monthly ACLU newsletter that will debut this spring. If you have any questions, contact our Communications Director Brian Willoughby at bwilloughby@aclu-or.org.

REAL ID IS A REAL NIGHTMARE

Undoubtedly the largest legislative effort we will be making is to push back against any efforts to implement the Real ID Act this session. Passed by Congress in May 2005 without a single hearing and attached to must-pass Iraqi war and tsunami relief supplemental funding bill, the Real ID Act federalizes state driver licenses. The federal law imposes a broad array of regulations on how these licenses are issued and verified – turning them into, for all practical purposes, America’s first-ever national identity cards. Every American will need this new federal identity document (or a passport) in order to enter federal buildings or fly on commercial airlines.

As of this writing, the Department of Homeland Security has yet to finalize draft rules required for states to comply with the law, although states are required to comply by May 2008. No state knows exactly how to implement Real ID. However, that has not stopped the governor and Sen. Rick Metsger (D-Welches) from introducing legislation requiring compliance with the Real ID law for consideration this session. Here in Oregon, as well as across the country, efforts are being

made to urge Congress to repeal Real ID, and a number of states are going on record with statements refusing to comply with the law. ACLU of Oregon is leading the effort to build a broad coalition of interest groups to urge rejection of Real ID this year. Real ID is simply a Real Nightmare!

Legislation also has been introduced in the 110th Congress to fix Real ID. ACLU is urging the Oregon legislature to resist Real ID. Instead, we should wait. We should wait because there are no federal rules in place, there is no funding, and there are significant privacy and safety protections that have not been adequately considered or addressed.

Real ID is expected to cost states millions of dollars, and yet no federal funds were allocated to assist with these efforts. Under the law, Oregon will have to remake its driver license, restructure its computer database, and – perhaps most difficult of all – verify the “issuance, validity and completeness” of every document presented at the Department of Motor Vehicles (DMV), including birth certificates, Social Security cards, utility bills, immigration documents and any other document

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presented (and approved) for the application. The law does not provide the DMV with a way to compel any document issuer—such as another state issuing a birth certificate or a utility company — to cooperate with that verification. If DMV cannot verify the documents, an applicant cannot get a license.

Although purported to target individuals who cannot prove lawful presence, many people who are citizens will not be able to get a Real ID. Some have lost personal records to fire, flood or other natural disasters (such as Hurricane Katrina). Across the country, government offices containing these records have been destroyed, putting millions at risk of being unable to track down birth documents from 30, 40, 50 or even 60 years ago. Millions of foreign-born U.S. citizens come from countries where no birth records are kept or are impossible to obtain. Some people do not know where they were born, and others were born at home and never received a birth certificate. Those who are elderly, who have mental or physical disabilities, or who are homeless or poor will be directly affected since many of them do not have access or the resources to obtain birth certificates or other approved documents. Without a Real ID, they may not be able to get essential public and private services. When we look at all who are affected, we begin to understand the insurmountable hurdles thousands, if not millions, of Americans will have.

Real ID is a giant, unfunded federal mandate that will create enormous costs for states. Because Congress did not allocate funds, it will mean higher fees to obtain a license — ostensibly a new tax — as well as slower service and longer lines at DMV and bureaucratic nightmares for anyone trying to obtain the necessary supporting identification documents to obtain a Real ID. This cost will be passed on to us every time we need to pay for a new or replacement license. It can mean multiple trips to the DMV office as well as hours on the phone trying to obtain original documents, imposing a substantial burden on all of us in cost and time off from work.

Real ID also creates a nightmare by exposing all of us to an unprecedented risk of identity theft. For the first time ever, DMV will be storing for up to 10 years copies of every birth certificate, Social Security card or other document used to establish identity. Real ID also requires that all state databases be linked, providing electronic access to all other states. Unlike in the past, this database will now contain critical information, such as your Social Security number. The growing consensus among security experts is that Real ID's creation of a single interlinked database will be a one-stop-shop for all of an individual's personal data, making each of us a sitting duck for identity theft. In addition, if DMV uses RFID (Radio Frequency Identification) technology, your license containing personal information can be read by anyone who has an RFID reader and is within close proximity to you and your license.

The law requires use of “common machine-readable technology” that will allow for easy, computerized transfer of the data on the cards. That will make it easy for anybody in private industry to snap up the data on these Real IDs. Already, businesses often swipe licenses to collect personal data on customers — but that will prove to be just the tip of the iceberg as every convenience store learns to grab that data and sell it to Choicepoint (a private for-profit data mining company) for a dime. Even if the states and federal government successfully protect the data, it could be harvested by the private sector, which will build up a parallel database on Americans and put it up for sale, not subject even to the limited privacy rules in effect for the government. And if the information on you is wrong and you are in some way penalized, there is no requirement that you be allowed to fix the error.

The standardized national driver licenses created by Real ID will become an “internal passport” that will increasingly be used to track and control United States citizens' movements and activities. There will be a demand that you “show your papers.” The Real ID database will inevitably, over time, become the repository for more data on individuals, and will be drawn on for an ever-wider set of purposes. Citizens who cannot obtain Real ID will encounter increasing sets of barriers as the card is demanded before obtaining public and private services.

Our driver licenses are intended to ensure that drivers know the rules of the road and have the necessary insurance. The act bars non-citizens from receiving driver licenses unless they can prove their lawful immigration status and identity. Real ID turns DMV clerks into federal immigration officers, forcing them to decide who can or cannot be given a license — despite the complexity of our immigration laws, which rival that of our tax code. Training for motor vehicle employees could not possibly cover all of the technicalities of immigration law. Moreover, citizens who speak with an accent or are not fluent in English (who may “look” or “sound” “foreign”) may have their documents scrutinized with suspicion and be treated as suspects.

The standardized national driver licenses created by Real ID will become an “internal passport” that will increasingly be used to track and control United States citizens' movements and activities.

TAKE ACTION:

Contact your elected state officials to urge them to oppose both HB 2270 (the governor's proposal) and SB 424 (Sen. Metsger's proposal). Visit www.aclu-or.org to download a briefing paper on Real ID and to obtain updates on these bills during the legislative session.

THANKS TO OUR ACLU SPEAKERS

We want to thank the following ACLU of Oregon volunteer speakers who took the message of civil liberties and civil rights to the community:

Sarah Adams, University of Oregon Law School panel on Reproductive Rights in Oregon, October 2006

Jeff Golden, ACLU of Oregon, Southern Oregon Chapter, Forum on the Media, October 2006

Amy Goodman, ACLU of Oregon, Southern Oregon Chapter, Forum on the Media, October 2006

Charlie Hinkle, Japanese American Citizens League, February 2007

Bob Hunter, ACLU of Oregon, Southern Oregon Chapter, Forum on the Media, October 2006

Professor John Kroger, Panel on Domestic Spying, October 2006

Joan Marie-Michelson, Hidden Valley High School, January 2007

Candace Morgan, Portland Community College October 2006; Oregon Educational Media Association, October 2006; Lake Oswego High School, February 2007

Margaret Paris, ACLU of Oregon, Lane County Chapter Annual Meeting, February 2007

Robert Scheer, ACLU of Oregon, Southern Oregon Chapter, Forum on the Media, October 2006

Ralph Temple, ACLU of Oregon, Southern Oregon Chapter, Forum on the Media, October 2006; Southern Oregon University, October 2006; Human Rights Coalition of Jackson County, November 2006; Southern Oregon University rally against Military Commission Act, December 2006

James Phelps, League of Women Voters for Deschutes County, December 2006

David Fidanque, Oregon State University Day of Action, January 2007

Stuart Kaplan and **Brian Willoughby**, third annual Ray Warren Multicultural Symposium, Civil Liberties and Race panel discussion, February 2007

INITIATIVE 2008 UPDATE

INITIATIVE PETITIONS 22 AND 23

As we reported in our Fall 2006 newsletter, Lon Mabon is back with two initiatives for the 2008 election. IP 23, a re-do of Measure 9 (2000), would establish that sexual orientation not be taught in Oregon public schools in a manner that would “express approval of, endorse or otherwise make morally acceptable the behaviors of homosexuality, bisexuality or transgendered conduct.”

The other Mabon measure is IP 22, which would amend our free speech provision, Article I, section 8, to limit the definition of “free expression of opinion” to apply to “beliefs, thoughts and personal judgment” but not “conduct or personal behavior.”

The ballot title issued for IP 22 was not acceptable to us, and we challenged it to the Oregon Supreme Court. In late December 2006, the Oregon Supreme Court issued its opinion, agreeing with the majority of our arguments and remanding the ballot title back to the Attorney General for modification. The Attorney General has now modified IP 22 to comply with our court victory.

As of this writing, Mabon has begun the process to obtain approval from the Secretary of State to circulate both IP 22 and IP 23. ACLU will monitor this carefully, and, if either or both of these initiatives make the ballot, we will help lead the effort to defeat them.

In both cases, cooperating attorney **Charlie Hinkle** of Stoel Rives handled the comments and legal challenge.

IP 43 AND IP 54

We also reported that Kevin Mannix had submitted IP 43 that would amend both the Free Speech provision (Article I, section 8) and the Privileges and Immunities provision (Article I, section 20) of the Oregon constitution to allow for state, county and city governments to use alcohol regulatory authority to restrict the location and operation of any “strip club” and “strip act” to the extent allowed under the First Amendment of the U.S. Constitution.

We successfully argued to the Secretary of State not to certify IP 43 because it constituted a multiple amendment. However, Mannix then submitted IP 54, which went even further than IP 43. It amended the constitution to allow local entities to use *any* regulatory authority (including but not limited to alcohol regulatory authority) to restrict “strip acts.”

We filed ballot title comments, urging the Secretary of State not to approve IP 54 for circulation because if IP 43 was a multiple amendment to the Oregon constitution, then IP 54 also certainly was. Despite the decision on IP 43, the Secretary of State approved IP 54 for circulation, rejecting our multiple-amendment argument. In addition, the Secretary of State issued a certified ballot title that does not accurately reflect the effect of IP 54. We have filed a challenge on the ballot title to the Oregon Supreme Court and also have filed in Marion County Circuit Court a challenge that the proposal violates the Oregon constitution. Cooperating attorney **Gregory Chaimov** of Davis Wright Tremaine is handling our comments and legal challenge.

2006 ELECTION RESULTS

The ACLU of Oregon opposed five ballot measures in the November 2006 election, and four were defeated, some by wide margins.

A very satisfying victory was the defeat of **Measure 43**, the so-called parental notification law. It failed 54.8 percent to 45.2 percent.

Pro-choice Oregonians joined ACLU supporters across the country in defeating measures that would have eroded our *Roe v. Wade* protections. South Dakota voters rejected the toughest abortion ban in the nation, while California voters rejected a parental notification proposal similar to the one defeated in Oregon.

Also rejected – 56.6 percent to 43.4 percent – was **Measure 40**, which would have amended the constitution to require Supreme Court and Court of Appeals Judges to be elected by district.

Measure 45, which would have amended the constitution to impose term limits of six years on state representatives and eight years on state senators, was defeated 58.7 percent to 41.3 percent.

And **Measure 46**, a campaign finance measure that would have amended Oregon's constitution to weaken the free speech guarantee, was defeated 59.7 percent to 40.3 percent. This was the fourth attempt in the last 12 years to amend our free speech provision, and each time voters have wisely rejected those attempts.

Only **Measure 47**, which was written to be dependent upon the passage of Measure 46, passed, 53 percent to 47 percent.

Measure 47 represents an extremely complicated, burdensome (and in some cases unconstitutional) scheme of campaign contribution and expenditure restrictions and prohibitions.

After the election, the Attorney General issued a letter advising the Secretary of State not to enforce Measure 47, the statutory scheme, in light of the rejection of the required constitutional amendment in Measure 46. Indeed, the Attorney General relied upon the language the proponents of Measure 47 had written into the ballot measure. Subsection (9)(f) of Measure 47 provides:

“If on the effective date of this Act, the Oregon Constitution does not allow limitations on potential campaign contributions or expenditures, this Act shall nevertheless be codified and shall become effective *at the time that the Oregon Constitution is found to allow, or is amended to allow, such limitations.*”

The Attorney General rightfully determined that Measure 47 cannot go into affect until the Oregon constitution is amended to allow for this exception to the Free Speech provision. As such, the measure becomes codified but remains dormant.

The proponents of Measure 46 and 47 are suing the state based on its decision not to enforce Measure 47. The ACLU of Oregon is monitoring the case closely.

Why Do You Support the ACLU?

“I am a member of the ACLU because it stands up for people, whether it involves confronting the meanest, the most powerful or even the best loved. Because the ACLU gravitates toward hard and controversial issues, ACLU work is never dull and ACLU contributions are never wasted. Times have changed, and the government seems less and less benign. Thankfully, the ACLU has not changed, and its work is now more relevant than ever.”

Katherine A. McDowell
Portland attorney and member of
ACLU of Oregon Lawyers Committee



Katherine A. McDowell

ROSENTHAL, THE 'GO-TO GUY FOR CIVIL RIGHTS PLAINTIFFS'

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March 15, 1947, in Des Moines, Iowa, later living in Seattle and Los Angeles. Rosenthal graduated cum laude with a degree in speech and rhetoric from the University of California, Los Angeles, in 1968, then graduated from Stanford Law School in 1972. Married to Margie Rosenthal for 37 years, the couple have two daughters, Rachel and Debra.

Rosenthal's commitment to civil liberties and civil rights came early, rooted in the experiences of his parents. His mother's family left Russia during a period of pogroms prior to World War I. His father's family left Germany in the 1930s.

"We lost family members to the Holocaust," he said. "It was part of my life, something we dealt with, from whatever age I was old enough to know about such things."

He recalls an eighth-grade social studies teacher who regularly wrote a famous quote on the blackboard for students to ponder. One day Elden walked into class to see his own words, from a class report, staring back at him:

"The Bill of Rights is the most important element of democracy." —Elden Rosenthal

Rosenthal started law school in the fall of 1968. It was a tumultuous time for the nation; for Rosenthal, it was a time that raised his consciousness.

After Stanford, Rosenthal interviewed for – and was ready to accept – a Sacramento-based job with the Northern California ACLU affiliate, but funding for the position from national ACLU did not come through. So instead, he landed in Portland, where he began practicing law.

He determined early on that tort actions were a viable and effective way to enforce civil rights and civil liberties. He smiles as he says he wishes people would change for the better on their own accord, but in reality you sometimes have to hit them in the pocketbook to bring real change.

One of his early cases sounds archaic now, occurring at a time prior to the advent of employment lawyers; he fought, and won, on behalf of a client who was fired for going to jury duty.

Many other cases – some with the ACLU of Oregon, others on his own – followed. He fought on behalf of an indigent man for his right to a jury trial. He and ACLU cooperating attorneys Tom Christ and Don Marmaduke fought the so-called "austerity plan" that gutted the state's indigent defense fund during a budget crisis. He challenged police spying in Portland. He took on free-speech restrictions at Portland International Airport. He fought illegal



Elden Rosenthal and Don Marmaduke 1976.

telephone surveillance at a local jail. He handled a case for an African-American woman that challenged race and gender quotas in a local labor union.

Then came the larger-scale cases, the ones that grabbed headlines and cemented Rosenthal as, in Olson's words, the "go-to guy for civil rights plaintiffs."

In 1990, Rosenthal served as co-counsel with Morris Dees of the Southern Poverty Law Center to win a \$12.5 million jury award – the largest, at the time, for a racism case in U.S. history – against Tom Metzger and the White Aryan Resis-

2007 MACNAUGHTON AWARD DINNER



E.B. MacNaughton
Courtesy of Special Collections,
Eric V. Hauser Memorial Library,
Reed College

The ACLU Foundation of Oregon's 2007 MacNaughton Award Dinner is set for Saturday, March 3, in the Heritage Ballroom of The Governor Hotel in Portland.

Anthony Romero, the national Executive Director of the ACLU, will be the keynote speaker, and Portland civil rights attorney Elden Rosenthal will be honored as the 2007 recipient of the E. B. MacNaughton Civil Liberties Award.

The MacNaughton Award was established in 1962. E.B.

MacNaughton served as a member of the first state advisory

committee of the ACLU of Oregon and was chairman of the National Advisory Committee of the ACLU from 1955 until his death in 1960. MacNaughton was president of First National Bank of Oregon, president of the Oregonian Publishing Co., and president of the board of trustees at Reed College.

The reception begins at 6 p.m., and the doors will open for dinner at 7 p.m. Tickets are \$125/person. Those interested in attending the dinner and a private hosted reception with Anthony Romero and Elden Rosenthal may purchase a premium ticket for \$200/person.

For more information or to purchase tickets, visit our website at www.aclu-or.org or contact James K. Phelps, Development Director, at (503) 552-2101 or jphelps@aclu-or.org.

For a complete list of past E.B. MacNaughton Civil Liberties Award winners, visit www.aclu-or.org.

tance for the beating death of Ethiopian immigrant Mulugeta Seraw.

In 1998, he represented two men wrongly convicted and imprisoned for a murder they did not commit. That case settled for \$2 million. In 2005, he settled a civil rights case for \$667,000 for a woman in Eugene who was repeatedly sexually abused by a Eugene police officer. That same year, he settled a case for \$700,000 in Portland for a woman who was assaulted by a TriMet driver who was yelling at her to go back to Europe “where she belonged.”

Currently, Rosenthal is co-counsel with Gerry Spence of Wyoming, and Michele Longo Eder of Newport, representing Brandon Mayfield, the Portland-area attorney falsely accused of participation in the 2004 Madrid train bombings. Rosenthal described Mayfield as an innocent man who found himself “in the crosshairs of the FBI and the Department of Justice.”



Photograph taken by Jerome Hart Photography

Mayfield received a \$2 million settlement and an apology from the federal government in November. Another portion of the case, challenging the constitutionality of sections of the U.S. Patriot Act, is now pending in the District of Oregon. In the brief Rosenthal filed in January, he wrote:

“Our history teaches that the abuse of executive power is inherent in times of crisis. Abuses from past decades still haunt the legal system. As Oregonians we are well aware of the national scandal that forced thousands of our Japanese-American neighbors into fenced camps in Idaho. That was

then. It is our watch now, our watch as lawyers and judges to uphold the principles of the Constitution in a time of perceived crisis.”

“Elden never shrinks from a challenge, even if he risks incurring the wrath of the powers that be,” Olson said. “That strength of character is evident again ... in his persistent criticism of the Patriot Act and FBI tactics implementing its worst provisions.”

Former MacNaughton honoree Charlie Hinkle echoes Olson’s praise for Rosenthal:

“I don’t know of any lawyer who has had a bigger influence on developing the law in Oregon over the past 30 years with respect to government abuses,” he said. “Elden has never been reluctant to take on the cause of an individual who has been caught up in the web of government misconduct at every level – city, state and federal. He is an invaluable watchdog, and we have needed him.”

Going back to the 1976 *Oregonian* story, one of Rosenthal’s comments was prescient. Citing both Watergate and the imprisonment of Japanese Americans during World War II, Rosenthal said, “I think the ACLU is the only legitimate organization that serves the function of keeping this democracy from caving in to fear.”

In post-9/11 America, with the Bush Administration methodically chipping away at our constitutional protections, Rosenthal’s words ring truer than ever. Honored and humbled by being chosen as the MacNaughton Award recipient, he said he has enjoyed working with the ACLU for more than three decades.

“ACLU has been the stalwart for nearly 90 years,” he said, referring to the organization’s founding in 1920. “I don’t see how anyone can be a civil rights lawyer and not support the ACLU.”

ANTHONY ROMERO TO DELIVER KEYNOTE ADDRESS

Executive Director Anthony D. Romero took the helm of the American Civil Liberties Union just four days before the September 11, 2001, attacks. Shortly after, the ACLU launched its national Safe and Free campaign to protect basic freedoms during a time of crisis.

Romero, an attorney with a history of public-interest activism, has presided over the most successful membership growth in the ACLU’s history, more than doubling both the budget and the national staff. This unprecedented growth has allowed the ACLU to expand its litigation, lobbying and public education efforts, including new initiatives focused on national security, human rights, racial justice and freedom of religion and belief.

Romero is the ACLU’s sixth executive director, and the first Latino and openly gay man to serve in that capacity. In 2005, Romero was named one of Time magazine’s 25 Most Influential Hispanics in America and has received dozens of public service awards and an honorary doctorate from the City University of New York School of Law.

Born in New York City to parents from Puerto Rico, Romero was the first in his family to graduate from high school. He is a graduate of Stanford University Law School and Princeton University’s Woodrow Wilson School of Public Policy and International Affairs.



Anthony Romero

NSA SPYING UPDATE

PUC PUTS VERIZON CASE ON HOLD; DISMISSES QWEST

The ACLU of Oregon's inquiry into whether private calling records of Oregon telephone customers were illegally turned over to the National Security Agency (NSA) now is in a holding pattern, awaiting a decision on another case before the 9th Circuit Court of Appeals. Following a December ruling from the state Public Utility Commission, the case now focuses solely on Verizon.

While Qwest has been dismissed from the case, the PUC did not dismiss the case against Verizon. In fact, the PUC rejected three separate arguments from Verizon seeking to dismiss the case. Verizon argued unsuccessfully that the ACLU had no standing in the case, that the case interfered with national security and that the case involved "state secrets."

Meanwhile, more than 30 civil actions alleging the illegal sharing of records with the NSA have been transferred to the U.S. District Court for the Northern District of California. The PUC ruling calls for the Oregon case to be "held in abeyance until such time as the 9th Circuit provides clear direction as to appropriate Commission action."

"In effect, the PUC is saying that it does not want to get out ahead of the cases pending in numerous federal courts," said cooperating attorney Keith S. Dubanevich of Garvey Schubert Barer in Portland. "Instead, the PUC prefers to let the court system digest the allegations and the state secrets privilege. Once the various courts start deciding these issues, the PUC may lift the order abating our case."

ACLU of Oregon Executive Director David Fidanque noted that our PUC complaint is part of a concerted national strategy to seek rulings on the legality of the NSA's unprecedented warrantless spying on U.S. citizens on U.S. soil.

"The Bush Administration has been shameless in attempting to avoid court rulings on its illegal actions by using

the so-called 'state secrets' privilege to get cases dismissed," Fidanque said. "Unfortunately, the Justice Department has been largely successful in that effort in the lower courts and the U.S. Supreme Court has not yet agreed to review the issue."

In dismissing the case against Qwest, the PUC described the ACLU's Qwest complaint as being based on "mere suspicion" rather than "reasonable belief." News reports on the NSA's warrantless spying named Verizon as a participant but said Qwest had rebuffed early overtures from the NSA to participate in the program.

Qwest has adamantly refused to answer ACLU's inquiry into the possible illegal sharing of phone records, and the PUC ruled that "Qwest is under no obligation to answer any inquiry not required by statute, rule, tariff or case law."

While we could not obtain sufficient evidence to keep Qwest in the case, we remain very troubled by its refusal to inform Oregonians about its practices.

Another company, by comparison, was much more forthright in its response. Embarq (formerly United Telephone Company of the Northwest dba Sprint) informed the ACLU of Oregon by letter in September that "it is not United's policy to provide, nor has it actually provided, customer call detail information or access to customer calls, i.e. wiretapping, to any government agency or third party in the absence of subpoena, warrant or court order requiring us to do so." As a result of that letter, ACLU dismissed Embarq from the current proceedings.

The ACLU of Oregon will continue to monitor the 9th Circuit, paying particular attention to *Hepting v. AT&T*, which is presently on appeal in the 9th Circuit.

OREGON SUPREME COURT TO REVIEW PORTLAND ADVENTIST ACADEMY CASE

In our pluralist society, should the majority ever be required to "accommodate" the religious practices of a minority? That question is at the heart the ACLU of Oregon's lawsuit on behalf of high school basketball players at the Portland Adventist Academy (PAA), a Seventh-Day Adventist school.

Since 2003, the Oregon Court of Appeals has ruled twice in our PAA cases that the Oregon Schools Activities Association (OSAA) must reasonably accommodate religion when scheduling the state sports tournaments unless the accommodation would impose an undue hardship or burden. The

OSAA, which both times lost its argument before the Court of Appeals, believes that any accommodation that creates more than a *de minimis* cost or burden on OSAA or other teams is an "undue hardship." Therefore, the OSAA appealed to the Oregon Supreme Court, and the Court has granted review.

One of the questions the Court will address is what constitutes an "undue burden" under the scope of Oregon law and the constitution. ACLU will continue to argue that our anti-discrimination laws would be meaningless if the rights of a minority could be ignored simply because the majority would



Greg Nakashima, Anthony Nakashima, Andy Montgomery

be disturbed or inconvenienced.

Seventh-Day Adventists observe Sabbath from Friday sundown until Saturday sundown, meaning athletes may not play or practice during that time.

The PAA boys basketball team qualified for post-season play from 2003-2006. However, the team has not been able to compete because the OSAA insisted that PAA players agree beforehand to play on their Sabbath if required by the tournament schedule. OSAA has, however, rescheduled tournament schedules to accommodate secular interests such as media requests.

The way the OSAA schedules the double-elimination basketball tournament for Fridays and Saturdays allows for several potential outcomes for when a team must play depending on the games it wins or loses. Out of several possibilities, there is only one scenario under which PAA would have to ask for an accommodation to avoid playing on its Sabbath. Yet, OSAA requires the team to pledge, before the tournament begins, that it will play whenever the games are scheduled. Essentially, OSAA requires the PAA players to adjust their religious beliefs rather than even considering whether the tournament schedule can be modified to accommodate PAA.

For a fuller history of this case (and its companion case) go to the ACLU of Oregon website at www.aclu-or.org.

The Oregon Supreme Court will hear oral arguments in this case at 1:30 p.m. on Monday, March 5, 2007, at the Lewis & Clark Law School in Portland.

ACLU Foundation of Oregon cooperating attorney **Charlie Hinkle** of Stoel Rives has represented the PAA students. Cooperating attorney **Jeremy Sacks**, also of Stoel Rives, has assisted on the cases.

LEGAL BRIEFS

ACLU OF OREGON ADVOCATES ON BEHALF OF INCARCERATED INDIVIDUALS

OREGON DEPARTMENT OF CORRECTIONS

The ACLU of Oregon has filed a friend-of-the-court brief, also called an *amicus curiae* brief, in the 9th Circuit Court of Appeals on behalf of a Native American inmate of the Oregon Department of Corrections (ODOC). The inmate, Blackie Alvarez, had filed a lawsuit on his own behalf, *pro se*, arguing that ODOC had violated his ability to practice his Native American religion in a number of ways. The trial court granted the state's motion for summary judgment holding the state had not violated Mr. Alvarez's First Amendment rights. The court dismissed the lawsuit, and Mr. Alvarez appealed to the 9th Circuit.

The ACLU believes the court and the state have erred by not taking into consideration the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). We argue in our *amicus* brief that since Mr. Alvarez has been representing himself, the court has an obligation to read Mr. Alvarez's pleadings in a liberal way. While Mr. Alvarez had not raised an RLUIPA claim in his original complaint, we believe he had sufficiently raised an RLUIPA claim in his reply brief to the state. Therefore the state and the court must address the RLUIPA issues.

RLUIPA, a law the ACLU supported in Congress, provides prisoners greater religious liberty rights than the First Amendment requires. The Act prohibits prisons from substantially burdening inmates' religious practices unless the burden furthers "a compelling governmental interest" and "is the least restrictive means of furthering that...interest." ACLU argues that under RLUIPA the trial court was wrong in summarily dismissing Mr. Alvarez's lawsuit without first requiring the state to show its "compelling interest" and how they have used the "least restrictive means" for furthering that interest.

James McCurdy of Lindsay Hart Neil & Weigler LLP is the ACLU Foundation of Oregon's cooperating attorney on this case.

NORTHERN OREGON REGIONAL CORRECTIONS FACILITY

In December 2006, the ACLU of Oregon sent a letter to the Northern Oregon Regional Corrections Facility (NORCOR) in The Dalles demanding that it rescind its unconstitutional policies and practice of prohibiting inmates from receiving mail containing internet printings or pictures, and mail containing books, magazines, newspapers, or magazine clippings other than a soft bound reading novel or bible. We are greatly concerned because both of these blanket prohibitions clearly violate the First Amendment. Our next steps will depend on NORCOR's response. NORCOR is a regional jail serving Gilliam, Hood River, Sherman and Wasco counties in the Columbia Gorge.

Cooperating attorney **Anil Karia** of the Tonkon Torp LLP firm is assisting ACLU on this issue.

Why
Do
YOU
support
the
ACLU?

Send us your thoughts on why you support the ACLU. We're collecting comments to use on our website and in future newsletters.

What do you most respect about the ACLU? Why do you give your time, energy or other support to the organization? What role has the ACLU played in your life?

**Send your thoughts
via email to:**

Communications Director
Brian Willoughby
bwilloughby@aclu-or.org

Or postal mail to:

ACLU of Oregon
P.O. Box 40585
Portland, OR 97240

GENETIC PRIVACY

STUART KAPLAN, PRESIDENT OF THE ACLU OF OREGON BOARD OF DIRECTORS, OFFERS A CLOSER LOOK AT GENETIC PRIVACY LAWS IN OREGON

Oregon was the first state in the nation to enact a law giving broad protection to genetic privacy. The 1995 statute was passed in response to growing public awareness of the unique ability of genetic testing to make predictions about a person's future risk of serious disease. People were becoming concerned that information about their future health might result in discrimination in employment and insurance. The ACLU of Oregon played an influential role in the development of this law and its subsequent versions.

In this first attempt at legislating genetic privacy, such information was defined as the "property" of the individual from whom a sample was taken and it was left to the person to make a claim for redress if they suffered harm due to its unauthorized disclosure.

Experience with the new law showed that treating someone's DNA as property was an ineffective way to protect genetic privacy and interest grew in overhauling the law. The 2001 legislature enacted a revised genetic privacy law that replaced the property clause with substantial financial penalties for unauthorized disclosures of genetic information that resulted in damage to the individual. Researchers were required to obtain the informed consent of the individual from whom a sample was taken. That new version of Oregon's genetic privacy law also added privacy protection for blood relatives of the subject of genetic testing.

An Advisory Committee on Genetic Privacy and Research was also established in 2001 to monitor the effects of Oregon's genetic privacy statute and make recommendations to the legislature for future changes in the law. At ACLU's urging, the legislature specified that one position on the Advisory Committee be filled by an advocate for medical information privacy. The ACLU of Oregon has provided a representative for that position, and I currently serve in that capacity.

In 2005, further changes were made in Oregon law to allow genetic researchers to obtain information from samples that are anonymous or coded in such a way as to protect a person's identity. However, the ACLU insisted on adding a provision so that health care providers are required to give notice to patients that they have the option to request that their samples not be used for genetic research. This is known as an "opt-out," and initial experience with the new law shows that many health care consumers are exercising that option because they are interested in maintaining the confidentiality of their genetic information.

Legislating genetic privacy is a very challenging task because the benefits of giving researchers access to information that may advance understanding of serious diseases need to be balanced with the desire of health care consumers to have control over their private medical records and biological specimens. The ACLU of Oregon will continue to watch developments in this field and work with lawmakers, medical practitioners, and the research community to adapt Oregon's laws to changing circumstances.

This article has necessarily been a brief overview of Oregon's genetic privacy law. If you want more detailed information, a good starting place is the genetics research page on the website maintained by Oregon's Department of Human Service: www.oregon.gov/DHS/ph/genetics/research.shtml/shtml. There you will find links to consumer fact sheets and other documents that explain the history and application of genetic privacy law in Oregon. You also will find a PDF version of a sample opt-out form.

LEGACY UPDATE

Two years ago, a very generous ACLU Foundation supporter, Robert W. Wilson, offered a challenge to other ACLU supporters. He urged those who support civil liberties to make a commitment to the organization through their estate plans and to notify the ACLU Foundation of their intentions. As an incentive, Mr. Wilson agreed to give an immediate gift of 10 percent to the ACLU Foundation for every newly identified commitment, up to \$10,000 per donor. The deadline for the challenge was December 31, 2006.

Although we have not received a final report on the Legacy of Liberty Challenge, at least 45 Oregonians rose to the occasion by making the ACLU Foundation a beneficiary in their wills or trusts, or purchasing a charitable gift annuity. The ACLU Foundation of Oregon identified more than \$10.3 million in planned gifts resulting in more than \$190,000 in matching funds.

Membership in the DeSilver Society, which recognizes individuals who have made the commitment to support the ACLU through their estate plans, also has swelled. In January 2005, the DeSilver Society had 59 members in Oregon. Membership currently stands at 107 members since the Legacy Challenge also helped to identify individuals who have made planned gifts that did not qualify for the challenge.

Although the challenge is over, including the ACLU Foundation in your will ensures a long-term benefit for generations to come. If you have questions about including the ACLU Foundation in your estate plan, contact James K. Phelps, Development Director, at (503) 552-2101 or jphelps@aclu-or.org.

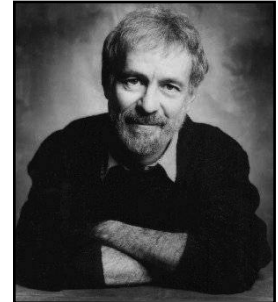
JESSE WINCHESTER PERFORMS IN AN INTIMATE FUNDRAISER

Jesse Winchester will perform at the house of ACLU Board Member Val Aitchison and Cooperating Attorney Will Aitchison at 7 p.m. Saturday, April 28, as a benefit for the ACLU Foundation of Oregon.

Growing up in Memphis, Winchester became a prominent Vietnam War draft-evader. He moved to Montreal, Canada, rather than serve in the military, after receiving his draft notice in 1967.

Winchester is a singer-songwriter who deeply connects with his audiences in his rare live performances. Winchester's songs have often been covered by other artists, including "Yankee Lady" (by Brewer & Shipley), "The Brand New Tennessee Waltz" (by Joan Baez), "Biloxi" (by Jimmy Buffett), "Mississippi, You're on My Mind" (by Jerry Jeff Walker), "Defying Gravity" (by Emmylou Harris), "Rhumba Girl" (by Nicolette Larson), "Well-A-Wiggy" (by the Weather Girls), and "I'm Gonna Miss You, Girl" (by Michael Martin Murphey).

Seating for the concert is limited. Tickets are \$75 for ACLU members or \$85 for non-members. To purchase tickets or for additional information, contact James K. Phelps, Development Director, at jphelps@aclu-or.org or (503) 552-2101.



Jesse Winchester

VOLUNTEER PROFILE

MARGARET SIMPSON LOGS MORE THAN 200 HOURS FOR THE ACLU OF OREGON



Margaret Simpson

Margaret Simpson started volunteering as a Phone Request Counselor in July of 2005 and has contributed more than 200 hours to the ACLU. Phone request counselors come in on a weekly basis to take phone calls from people who are looking for legal assistance. The counselors

work with the legal staff to screen the requests for assistance for possible ACLU cases and provide information and referrals to those that don't meet the ACLU's criteria.

Margaret's support for the ACLU stems from the fact that the organization protects everyone's right to free speech, even in unpopular cases such as the right of neo-Nazis to march in Skokie, Illinois. Margaret described that as "the epitome of representing a person's right to disagree and to be free to speak about their beliefs and not be forbidden to do so."

After she retired, Margaret's interest in law and politics drew her to the ACLU. At one point Margaret applied for law school but instead ended up pursuing a long and rewarding career in social work. She has found that her experience doing social work has helped her respond to the many requests for legal assistance and information the office receives. She also appreciates how volunteering has helped her gain a basic understanding of the law.

Margaret says that she is thoroughly enjoying retirement. She reads *The New York Times* and *Oregonian* daily, gardens and attends her grandchildren's baseball games. She reads mystery novels and stays up to date on what is going on politically by watching CNN. She also enjoys spending time with her three children and six grandchildren living in the Portland area.

The ACLU of Oregon welcomes all volunteers. Visit us online at www.aclu-or.org.

REPORT FROM THE FIELD



Claire Syrett

who support and represent the ACLU of Oregon.

Any successful organizing effort starts with good relationships. Without the trust and good will generated by solid relationships, we ACLU staff members would find ourselves unable to access the energy and dedication of the very people who drive the ACLU of Oregon forward.

So I have made it a priority to get out and meet as many of you as possible. This has proved to be a most rewarding experience as I have become better acquainted with you, the exceptional people who comprise the ACLU of Oregon. While

a stranger to many of you when we first met, I am no stranger to the fight for civil liberties. I have participated in the front line defense of abortion clinics, worked to abolish the death penalty, and marched for immigrant justice.

I know many of you were there with me, so as I have traveled to these various meetings, I have felt welcome among friends and allies. With each handshake and greeting I am reminded again what an honor it is to be working with you as your field organizer. I feel confident that together we can make a real difference in real people's lives as we fight for and defend civil liberties.

**Claire Syrett, Southern District Field Organizer
ACLU of Oregon, csyrett@aclu-or.org**

If you live in Southern Oregon – from Lincoln to Deschutes counties, and from Curry to Klamath counties — please feel free to contact me about how you can get more involved in this great work.

IN THE CHAPTERS

A CLOSER LOOK AT ACLU OF OREGON'S REGIONAL CHAPTERS

SOUTHERN OREGON

On March 18, the chapter will host actor and human rights activists Mike Farrell at the Rogue Valley Unitarian Universalist Fellowship in Ashland. Farrell will discuss his new book, *Just Call Me Mike*. Find out more at www.aclu-or.org.

In addition, the chapter is organizing forums on immigration, the use of grand juries, and involving young people in the defense of civil liberties. These gatherings will build on last year's Oct. 6 forum in Ashland, where more than 500 people turned out to hear journalist Amy Goodman and other panelists answer the question, "Is the Mainstream Media Doing Its Job?"

Also in October, at the chapter's annual meeting, three newcomers joined the chapter board. Maude Powell, John GreyEagle Newkirk and Sarah Bacon joined returning board members Bill Beecher and Herschel King.

BENTON-LINN

In September, eight members of the Benton-Linn Chapter staffed the ACLU booth at the annual Corvallis Fall Festival.

In November, the chapter actively engaged in coalition work resulting in the passage of an historic charter amendment guaranteeing Corvallis residents equal protection from discrimination. This charter amendment requires the city to exercise its power to ensure the equal protection, treatment, and representation of all persons without discrimination, explicitly including discrimination based on gender identity or expression, and sexual orientation. Some of these protections were previously provided for in a city ordinance. With the approval of the charter amendment, the protections can-

not be removed by a majority vote of a future city council but only by another citywide charter amendment process.

The chapter also raised concerns with members of the Corvallis School Board, leading the district to clarify its policy regarding the Pledge of Allegiance. The chapter will continue its work to ensure staff awareness and consistent implementation of the new policy.

LANE COUNTY

The ACLU of Oregon Board of Directors has ratified the new charter created by the Lane County Steering Committee. Originally established in 1967, the Lane County Chapter is re-energized after some years of dormancy with plans to hold its annual meeting from 1-3 p.m. Feb. 25 in the Bascom-Tykeson Room at the Eugene Public Library. Besides accepting nominations and voting for members of the new board, the event will feature Margaret Paris, dean of the University of Oregon School of Law. Paris will address the question, "Can the 4th Amendment survive the Patriot Act?"

On Dec. 10, chapter volunteers Barbara Gordon-Lickey, Bruce Carlson and Matt Friday participated in the Eugene Human Rights Commission's celebration of the United Nations Declaration of Human Rights.

Steering Committee members continue to monitor the progress of Eugene's new police auditor. In response to the recent, tragic police shooting of a young man suffering a mental health crisis, Steering Committee members also are looking to take part in community efforts to create alternative approaches for dealing with people facing a mental health crisis.

Board Slate

We would like to welcome the nominees for the ACLU of Oregon's Board of Directors. There are eight at-large positions to be filled in 2007. (In a separate process, our three Chapter Boards elect voting representatives to serve on the statewide Board of Directors, as well.) Each term is for three years. Ballots will be mailed to all current statewide members in early April. All are nominated for three-year terms.

The Nominating Committee has selected the following nominees. Additional nominees may be made by petition of any 10 members, providing there is attached a signed statement expressing the nominee's willingness to serve if elected. Such a petition must be received in the Portland office no later than 5 p.m. March 26, 2007.

In addition, we would like to thank outgoing board member **Melissa Mills** for her service and dedication.

CURRENT BOARD MEMBERS SEEKING RE-ELECTION



Jim Arneson (Roseburg). Criminal defense lawyer; ACLU cooperating attorney; past president of the Oregon Criminal Defense Lawyers Association.



Tamara Brickman (Wilsonville). Member of Oregon State Bar; manages Legislative and Public Affairs for Oregon Building Codes Division; former aide to U.S. Rep. Brian Baird of Washington state; former aide to Oregon state Sen. Tony Corcoran; former member of the Oregon Law Students Public Interest Fund at the University of Oregon School of Law.



Joyce Cohen (Portland). Former member Oregon House of Representatives; former member Oregon State Senate and chair of the Senate Judiciary Committee; recipient of various ACLU legislative awards; public member Oregon State Bar; Board of Governors 1997-2000.



Leonard A. Girard (Portland). Former partner, Stoel Rives; former senior vice president, general counsel, Portland General Electric; co-founder, I Have A Dream Foundation of Oregon.



Henry "Hank" Miggins (Portland). Home mortgage loan officer; chair of Portland's Citizen Review Committee; retired from active duty in the United States Air Force, where he was a Certified Internal Auditor; served as vice president of financial affairs at Ft. Wright College in Spokane, Wash.; served as deputy auditor for Multnomah County, as executive assistant to Multnomah County Chair Gladys McCoy, and as chair of the Multnomah County Board of Commissioners after McCoy's death; served as city manager for the City of Spokane, Wash.; served as the public member on the Oregon State Bar Board of Governors.



Leila Wrathall (Portland). Human resources specialist with Multnomah County; former co-chair Right to Privacy board of directors; has served as vice president for policy for the ACLU of Oregon.

NEW BOARD MEMBER SEEKING ELECTION



Heather Van Meter (Portland). A Salem, Oregon, native; undergraduate degree from University of California, San Diego; law degree from Willamette Law School; civil defense litigator, including wrongful death, complex injury, product liability and malpractice cases; serves on the boards of Oregon Women Lawyers, U.S. District Court of Oregon Historical Society, and the Oregon State Bar House of Delegates. Her work for the ACLU has included a drug-free-zone exclusion act appeal and free speech, prisoner rights, and reproductive rights issues. She serves on the ACLU of Oregon Lawyers Committee.

BECAUSE FREEDOM CAN'T PROTECT ITSELF...

MARK YOUR CALENDARS FOR OUR ANNUAL MEMBERSHIP MEETING

Saturday, May 19th in Eugene

The ACLU of Oregon will hold its annual Membership Meeting from 1-3 p.m. May 19 at Lane Community College in Eugene.

Learn how you can take action to roll back many of the abuses of power that have damaged civil liberties in the past six years. The Membership Meeting will feature discussions on federal and state legislation. A reception will follow.

The meeting is designed for ACLU members but is open to the public. There is no charge to attend.

More details will be posted in coming months on our website, www.aclu-or.org.

SAVE THE DATE

FOR THESE UPCOMING

ACLU OF OREGON SPECIAL EVENTS:

- FEBRUARY 25: Lane County Chapter, annual meeting (see story, page 14)
- MARCH 3: E.B. MacNaughton Award Dinner (see stories, pages 1, 8, 9)
- MARCH 18: Mike Farrell reading and book-signing in Ashland (see story, page 14)
- APRIL 28: Jesse Winchester House Concert (see story, page 13)
- MAY 19: Annual Membership Meeting

Why Do You Support the ACLU?

"Over the past 40-plus years, I've learned something about formal, stubborn and authoritarian indifference. I believe that the ACLU focuses both group and individual concerns, empowers those who will take a role in resolving some of these, and brings the right combination of ideological motivation, integrity and organizational power to the many challenges we face in our communities and as a nation."

Matt Friday

*Eugene activist and acting chair of the
Lane County Chapter Steering Committee of the ACLU of Oregon*



Matt Friday