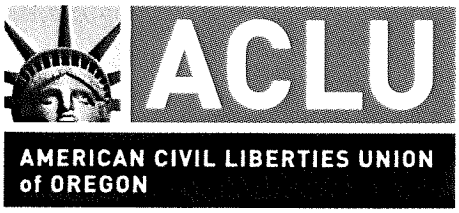

July 19, 2016

SENT VIA E-MAIL AND U.S. MAIL

Gary Milliman
City Manager
Brookings City Hall
898 Elk Dr.
Brookings, OR 97415

gmilliman@brookings.or.us

RE: Newly adopted ordinance likely unconstitutional

Dear Mr. Milliman,

It has come to the ACLU of Oregon's attention that the City of Brookings ("City") has recently adopted a potentially unconstitutional ordinance prohibiting "abusive solicitation" ("Abusive Solicitation Ordinance" or "Ordinance").[1] We strongly encourage the City to consider its potential liability under the United States and Oregon Constitutions in enforcing this ordinance.

The Abusive Solicitation Ordinance prohibits solicitation that is accompanied by "offensive" or "threatening" conduct.[2] Its provisions enumerate five examples of what constitutes "offensive" or "threatening" solicitation, though it can encompass other unenumerated activities.[3] Two of these activities, those listed under 9.10.345(C)(4)(a) and (e), involve expression that are protected under the First and Fourteenth Amendments of the United States Constitution, as well as Article I, sections 8, 20, and 21, of the Oregon Constitution. Therefore, as the following discussion reveals, their suppression is unlawful.

Freedom of Expression

1. **First Amendment of the United States Constitution**

The U.S. Supreme Court has been clear that charitable solicitations, whether on the street or door-to-door, involve speech interests that the First Amendment protects.[4] Laws that regulate the

[1] Brookings Municipal Ordinance 9.10.345
[2] 9.10.345(C)(4).
[3] *Id.*
[4] *Vill. of Schaumburg v. Citizens for a Better Env't*, 444 U.S. 620, 632 (1980) (following a lengthy discussion of precedent).

solicitation of financial support "must be undertaken with due regard for the reality that solicitation is characteristically intertwined with informative and perhaps persuasive speech seeking support for particular causes or for particular views on economic, political, or social issues, and for the reality that without solicitation the flow of such information and advocacy would likely cease."[5] Solicitation is a form of speech necessary to a free and democratic society.

The Abusive Solicitation Ordinance prohibits continuing a particular type of solicitation, a "request made to obtain an immediate donation of money or other item of value."[6] As such, the Abusive Solicitation Ordinance is content-based. In public forums, content-based laws are presumptively unconstitutional and may be justified only when the government proves that the law is narrowly tailored to serve a compelling state interest.[7] To satisfy this test, the government must show that the law or ordinance uses the "least restrictive means" of achieving that vital interest.[8]

Historically, courts grappled with determining whether blanket restrictions on solicitation, panhandling, and other speech were content-based or content-neutral,[9] affecting the rigor of scrutiny applied. The U.S. Supreme Court clarified this issue in its recent decision, *Reed v. Town of Gilbert, Ariz.* [10] A regulation is content-based when it applies to particular speech because of the topic or idea expressed.[11] Laws targeting a specific subject matter are content-based even when they do not distinguish between viewpoints within that subject matter.[12] Laws can draw content-based distinctions on their face, while others will do so in a way that is facially neutral.[13] When the law is content-based on its face, it undergoes strict scrutiny *regardless* of the "government's benign motive, content-neutral justification, or lack of 'animus toward the ideas contained' in the regulated speech."[14]

Subsequent decisions suggest that laws like the Abusive Solicitation Ordinance are content-based under the *Reed* analysis, thereby requiring strict scrutiny. For example, in *Thayer v. City of Worcester, Massachusetts*, the First Circuit Court of Appeals examined a municipal ordinance that made it unlawful for any person to beg, panhandle, or solicit any other person in an aggressive manner.[15] The Court originally found the law to be content-neutral because it was "not designed to suppress messages expressed by panhandlers, Girl Scouts, the Salvation Army,

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[5] *Id.* at 632.
[6] 9.10.345(C)(1) and (C)(4)(a).
[7] *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218, 2225 (2015) (citing *R.A.V. v. St. Paul,* 505 U.S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.,* 502 U.S. 105, 115 (1991)).
[8] *Ashcroft v. ACLU*, 542 U.S. 656, 666 (2004).
[9] For a discussion, see Jing Zhang, *The Panhandlers' Dialogue: Are Restrictions on Panhandling Content-Neutral Under the First Amendment?*, 10 SEVENTH CIRCUIT REV. 442 (2015), *at* http://www.kentlaw.iit.edu/Documents/Academic Programs/7CR/v10 -2/zhang.pdf.
[10] *Reed*, 135 S.Ct. at 2226-28 (overruling the Ninth Circuit Court of Appeals, which had found a municipality's sign ordinance to be content-neutral). Note: The Ninth Circuit had also found a street solicitation law to be content-neutral, but this decision predated the *Reed* case. See *Comite de Jornaleros de Redondo Beach v. City of Redondo Beach*, 657 F.3d 936 (9th Cir. 2011).
[11] *Id.* at 2226.
[12] *Id.* at 2230.
[13] *Id.* at 2227.
[14] *Id.* (quoting *Cincinnati v. Discovery Network, Inc.,* 507 U.S. 410, 429 (1993)).
[15] *Thayer v. City of Worcester, Massachusetts*, 755 F.3d 60, 63 (1st Cir.2014).

campaign politicians, or anyone else subject to restriction."[16] However, the U.S. Supreme Court vacated *Thayer*, remanding it for consideration in light of *Reed.*[17] Accordingly, the lower court found the ordinance to be content-based.[18] Other courts have come to the same conclusion.[19]

As a content-based restriction, the Abusive Solicitation Ordinance will undergo strict scrutiny, a test it cannot pass. While public safety certainly constitutes a compelling state interest, the law is not narrowly tailored to meet that goal. First, some sections of the Ordinance encompass behavior that has a weak relationship to public safety (continued solicitation, without more, endangers no one). Second, the Ordinance does not use the least restrictive means necessary (the law could just prohibit violence, disorderly conduct, threats of physical violence, or the provocation of imminent and likely violence or disorderly conduct, without encroaching on protected speech). Third, the Ordinance encompasses behaviors already prohibited under existing laws (e.g. Brookings Code 12.10.040 prohibition against blocking sidewalks, ORS 163.190 menacing, ORS 166.065 harassment, 166.023 and 166.025 disorderly conduct, etc.).

Courts may also analyze regulations of solicitation for overbreadth,[20] thereby ensuring that those regulations do not have a chilling effect on constitutionally protected speech.[21] "[A] law may be invalidated as overbroad if 'a substantial number of its applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep.'"[22] Subsections (C)(4)(a) and (e) of the Abusive Solicitation Ordinance are likely overbroad because they encompass a substantial amount of constitutionally protected activity. A variety of protected words, signs, gestures, and requests could fall within its realm, merely because the solicitee declined the invitation or found it to be offensive.

2. Article I, section 8, of the Oregon Constitution

Article I, section 8, of the Oregon Constitution states that "[n]o law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right."[23] Oregon courts analyze Article I, section 8 challenges using the *Robertson* framework.[24] *Robertson* categorizes laws into three groups: (1) laws that focus on the content of speech or writing; (2) laws that focus on forbidden effects, but expressly prohibit expression used to achieve those effects; and (3) laws that focus on forbidden effects, making no reference to expression at all.[25]

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[16] *Id. at 71.*

[17] *Thayer v. City of Worcester, Mass.*, 135 S.Ct. 2887 (2015).

[18] *Thayer v. City of Worcester*, 144 F. Supp. 3d 218, 233 (D. Mass. 2015). In footnote 2, the Court states, "Simply put, *Reed* mandates a finding that [the ordinance] is content based because it targets anyone seeking to engage in a specific type of speech, i.e., solicitation of donations." *Id.* at 234.

[19] See *McLaughlin v. Lowell*, 140 F.Supp.3d 177 (D.Mass. Oct. 23, 2015); *Browne v. City of Grand Junction*, 136 F.Supp.3d 1276 (D.Col. Sep. 30, 2015); *Norton v. City of Springfield*, 806 F.3d 411 (7th Cir.2015) (remanding to district court to enjoin city's anti-panhandling ordinance in light of *Reed's* mandate that such ordinances be deemed content based).

[20] *Id.* at 634.

[21] *Comite*, 657 F.3d at 944 (citing *Virginia v. Hicks,* 539 U.S. 113, 119 (2003)).

[22] *United States v. Stevens,* 130 S.Ct. 1577, 1587 (2010) (quoting *Wash. State Grange v. Wash. State Republican Party,* 552 U.S. 442, 449 n. 6 (2008)).

[23] Or. Const. art. I, § 8

[24] *State v. Plowman*, 314 Or. 157, 163-64 (1992).

[25] *Id.* at 164. (Summarizing *State v. Robertson*, 293 Or. 402, 417-418 (1982)).

The City of Brookings prohibits "abusive solicitation."[26] The examples of "abusive solicitation" provided in subsections 9.10.345(C)(1) and 9.10.345(C)(4)(a) and (c) implicate different categories of the *Robinson* framework. Accordingly, we will analyze them separately below.

a. 9.10.345(C)(1) and (4)(a)

Subsection (C)(4)(a) of the Ordinance prohibits "intentionally, recklessly or knowingly engaging in offensive or threatening conduct immediately before, during, or immediately after making a solicitation, including...[c]ontinuing to solicit once the person being solicited has declined the request." Subsection (C)(1) defines "solicitation" as "an in-person request made to obtain an immediate donation of money or other item of value." By proscribing such requests, the Ordinance focuses on the content of speech or writing. Therefore, these subsections of the Ordinance fall under category 1 of the *Robertson* framework.[27] Such laws are upheld only under very limited circumstances, and a person's solicitation or continued solicitation is not among them. Therefore, subsection 9.10.345(C)(1) and 4(a) will not satisfy Article I, section 8, of the Oregon Constitution.

Laws directed at the substance of any opinion or subject are constitutional only when they fall within a narrow set of historical exceptions to free expression that existed at the time that the United States or Oregon Constitutions were adopted.[28] The party defending the challenged law bears the responsibility of demonstrating that it involves a form of expression which the adopters did not intend to protect.[29] Examples of such historical exceptions include perjury, verbal assistance in crime, theft, forgery, fraud, and their contemporary variants. *Id.* Otherwise, Oregonians are free to speak, write, or print on "any subject whatever,"[30] including requests for immediate donations as prohibited in the Abusive Solicitation Ordinance.

Solicitation does not qualify as a historical exception to freedom of expression. The Court has rejected such arguments in multiple cases.[31] Furthermore, it has never been argued in Oregon courts that begging (i.e. poor people soliciting for relief) was an exception, and for good reasons. Even though laws targeting poverty and vagrancy, including those prohibiting begging, date back

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[26] 9.10.345(B)("No person shall engage in abusive solicitation as defined in this section").

[27] 9.10.345(C)(1) and 4(a) would fail under a category 2 *Robertson* analysis, as well. See analysis of 9.10.345(C)(4)(e) below. Furthermore, the Abusive Solicitation ordinance does not qualify as a time, place, and manner restriction under Article I, section 8, which has a more rigorous standard than the First Amendment of the United States. See *City of Portland v. Tidyman*, 306 OR. 174, 186-190 (1988).

[28] *Robertson*, 293 Or. at 412. The only other situation in which the courts have upheld laws targeting expression involved public officials whose statements were incompatible with their professional responsibilities in the courts. See *In re Conduct of Lasswell*, 296 Or. 121 (1983).

[29] *State v. Henry*, 302 Or. 510, 521 (1987).

[30] Or. Const. art. I, § 8

[31] *Moser v. Frohnmayer*, 315 Or. 372, 378 (1993) (rejecting the State's arguments that restrictions on "commercial solicitations were well established when the first guarantees of freedoms of expression were adopted"); *City of Hillsboro v. Purcell*, 306 Or. 547, 555 (1988) (speculating that historic laws regulating peddling may be seen as the lawmakers' acceptance rather than rejection of door-to-door sales as a legitimate way of doing business); *City of Eugene v. Miller*, 318 Or. 480, 486 (1994) (ordinance regarding sidewalk vending violated Article I, section 8, as it unreasonably impinged on dissemination of expressive material that was itself protected by constitutional provision).

to Fourteenth Century England,[32] these laws were never about speech itself. Rather, the laws were aimed at the type of people engaged in it.[33] These so-called "poor laws" targeted the poor as a class, sometimes denying all poor people a set of rights (e.g. the Articles of Confederation explicitly excluded paupers and vagabonds equal rights under the law),[34] while at other times, enumerating behaviors—including begging—as an element of what makes a person a "vagrant."[35] Poor laws also intended to address labor shortages (through forced labor),[36] financial burdens associated with providing relief (through banishment from the community),[37] and crime (by targeting the poor before they have the opportunity to violate the law).[38] Fundamentally, these laws were about animus towards the poor, not speech. No evidence exists to suggest that the adopters of the United States or Oregon Constitutions intended to exclude solicitation generally, or begging specifically, from protection. In fact, solicitation similar to that defined in the Abusive Solicitation Ordinance has been found to be protected speech in both state and federal courts.[39]

The mere fact that a person *continues* to engage in protected activity does not justify state intervention. For example, in *State v. Rangle*, the Court examined a stalking statute that prohibited repeated and unwanted contact that reasonably caused alarm or coercion and reasonably led the victim to fear for their personal safety or that of a family member.[40] The Court determined that a speech-based contact is punishable only if it constitutes a threat that reasonably instills in the addressee a fear of imminent and serious personal violence from speaker.[41] Repeated communication alone would be insufficient.

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[32] See William P. Quigley, *Five Hundred Years of English Poor Laws, 1349-1834: Regulating the Working and Nonworking Poor*, 30 AKRON. L. Rev. 73, 83 (1996)

[33] See, e.g., *Id.*at 106 (the poor were seen as immoral); Caleb Foote, *Vagrancy-Type Law and its Administration*, 104 U. PA. L. REV. 603, 616 (1956) (Idle and unemployed individuals were viewed with suspicion); Harry Simon, *Towns Without Pity: A Constitutional and Historical Analysis of Official Efforts to Drive Homeless Persons from American Cities,* 66 TUL. L. REV. 631, 638-640 (1992) (vagrancy laws were precautionary, targeting poor people because of their propensity towards crime).

[34] See *Id.* at 643-48 (citing the text of Article IV of the Articles of Confederation: "The free inhabitants of each of these States, *paupers, vagabonds, fugitives from justice excepted*, shall be entitled to all the privileges and immunities of free citizens in the several States, and the people of each State shall have free ingress and egress to and from any other State" (emphasis added)).

[35] Forrest W. Lacey, *Vagrancy and Other Crimes of Person Condition*, 66 HARV. L. REV. 1203, 1208-9 (1953); similarly, an early Oregon statute provided: "All idle or dissolute persons who have no visible means of living, or lawful occupation or employment by which to earn a living; all persons who shall be found within the state of Oregon begging the means of support in public places, or from house to house, or who shall procure a child or children so to do; all person's who live in or about houses of ill-fame or of ill-repute, -- *shall be deemed vagrants...*" General Laws of Oregon, section 1958 (1887) [emphasis added].

[36] See supra note 32, at 85.

[37] Foote, *supra* at 616.

[38] *Id.*

[39] For example, see *McLaughlin*, 140 F.Supp.3d 177; *Browne,* 136 F.Supp.3d 1276; *Norton*, 806 F.3d 411; *Thayer*, 144 F. Supp. 3d 218. See also *ACLU v. City of Las Vegas*, 466 F.3d 784 (9th Cir. 2006); *Clatterbuck v. City of Charlottesville*, 708 F.3d 549 (4th Cir. 2013); *Speet v. Schuette*, 726 F.3d 867 (6th Cir. 2013); *Iskcon of Potomoac, Inc. v. Kennedy*, 61 F.3d 949 (D.C. Cir. 1995) (note that even when the courts have upheld regulations, they do so acknowledging that this sort of speech is protected). See also *State v. Boehler*, 228 Ariz. 33 (2011); *People v. Hoffstead*, 28 Misc.32 16 (2010); *Benefit v. City of Cambridge*, 424 Mass. 918 (1997); *Ledford v. State*, 652 So.2d 1254 (1995)

[40] *Rangel*, 328 Or. 294, 296 (1999).

[41] *Id.* at 302-03.

Therefore, if subsection (C)(4)(a) of the Ordinance is read to exemplify abusive or threatening conduct as mere continued communicative activity, it cannot be prohibited. Individuals do not become less free to express themselves simply because they do so more often or for longer periods of time. "Expressions do not fall within or without scope of State Constitution's free speech guarantees based on particularity or intensity of their message."[42] Lawmakers lack the authority to dictate how much is enough. Similarly, the fact that the solicitee declined the request has no bearing on the analysis. Neither persistence nor popularity dilutes the right to self-expression.

b. 9.10.345(C)(4)(e)

In subsection (C)(4)(e), the Ordinance prohibits "intentionally, recklessly or knowingly engaging in offensive or threatening conduct immediately before, during, or immediately after making a solicitation, including...[u]sing words, signage, gestures, and/or actions directed toward the person being solicited which are offensive or threatening."[43] "Offensive" is defined as "conduct that has the effect of provoking or being likely to provoke an imminent violent or disorderly response."[44]

This subsection focuses on preventing a forbidden result (i.e. offending or threatening) while also explicitly prohibiting expression (i.e. words, signage, and gestures). Therefore, this subsection of the Ordinance falls under category 2 of the *Robertson* framework. Such laws are analyzed for overbreadth.[45] A law is overbroad when its terms exceed constitutional boundaries, reaching conduct protected by its guarantees[46] or, more specifically, when it "sweeps within its reach" protected speech.[47] The Ordinance violates Article I, section 8, of the Oregon Constitution because its definition of "offensive" is overbroad.[48]

The Oregon Supreme Court has already determined that a similarly defined statute was overbroad.[49] In *Johnson*, the defendant challenged an Oregon statute that made it an offense to "harass or annoy another person by...abusive words or gestures in a manner intended and likely to provoke a violent response."[50] The Court took issue with the statute for multiple reasons. First, the statute did not actually prevent the purported effect of violence[51] but, rather, merely proscribed harassment or annoyance.[52] Second, the *Johnson* Court found the statute to extend to protected types of expression, emphasizing that the legislature cannot criminalize protected

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[42] *Vannatta v. Keisling*, 324 Or. 514, 524 (1997).
[43] 9.10.345(C)(4)(e).
[44] 9.10.345(C)(2).
[45] *Plowman*, 314 Or. at 164.
[46] *Roberts*, 293 Or. at 409.
[47] *Johnson*, 345 Or. 190, 196 (2008).
[48] On the other hand, the definition of "threatening," provided under 9.10.345(C)(3) satisfies Article I, section 8. See *State v. Moyle*, 299 Or. 691 (1985).
[49] *Johnson*, 345 Or 197.
[50] *Id.* at 193.
[51] *Id.* at 195. ("There is no requirement that the offender act violently, or even offer to act violently. There is no requirement that either the offender or the person to whom the remarks are addressed be the one who is likely to react violently. There is no requirement that the hearer (or anyone else) actually be put in fear of violence. There is no requirement that the hearer actually respond violently, or respond at all.")
[52] *Id.*

speech *even* when it seeks to prevent violence produced by it.[53] It noted the societal importance of such expression:

> "Taunts intended and likely to produce a violent response are not limited to playgrounds and gang disputes. They extend to political, social, and economic confrontations… and thus include a wide range of protected speech."[54]

The mere fact that speech may result in violence does not justify its suppression. For these reasons, the statute was ruled overbroad.[55]

The similarities between Brookings's ordinance and the *Johnson* harassment statute are clear. Both lack the specificity necessary to actually address the harmful effect of violence: neither law requires the offender act violently or make violent threats; neither law requires that the offender or hearer be the one to react in a violent or disorderly fashion; neither law requires the hearer to be in fear of violence; and neither law requires the hearer actually respond in a way that is violent or disorderly. 'Offensive,' for the purposes of the Brookings ordinance, merely requires that *someone* be provoked, or that provocation be *likely*. Without actually preventing the harm of violence or disorder, the law is exposed for what it truly is: a veiled effort to target words, signage, and gestures (i.e., protected speech).

Furthermore, the Ordinance and the *Johnson* harassment statute both seek to prevent harms produced through speech, but in doing so, criminalize protected types of expression. The *Johnson* Court was clear that, even when words, signs, and gestures have the potential to elicit violent or disorderly responses, they still enjoy the robust protection of Article I, section 8. "Even when the legislature seeks to prevent violence produced by speech, it has to take care that it does not do so by criminalizing protected speech."[56] The goal of subverting violence and disorder does not justify the suppression of broad categories of protected expression. The Brookings ban will inevitably "sweep within its reach" speech that which is protected under Article I, section 8. Therefore, for the same reasons as those discussed in *Johnson*, it is overbroad.

Lawmakers cannot circumvent the right to free expression merely by articulating a harm that the statute aims to prevent.[57] Regulations on speech must actually and narrowly address harmful effects in a manner that does not infringe on protected activity. Subsection (C)(4)(e) satisfies neither of those requirements.

Vagueness Under the United States and Oregon Constitutions

The Abusive Solicitation Ordinance violates both federal and state law, as it is unconstitutionally vague. Under the Fourteenth Amendment of the United States Constitution, laws are vague when

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[53] *Id.* at 196.
[54] *Id.*
[55] *Id.* at 197 ("[T]he state may not suppress all speech that offends with the club of the criminal law.").
[56] *Id.* at 196.
[57] *Moyle*, 299 Or. at 699 ("The constitutional prohibition against laws restraining speech or writing cannot be evaded simply by phrasing statutes so as to prohibit 'causing another person to see' or 'to hear' whatever the lawmakers wish to suppress").

they allow for too much police discretion[58] or fail to provide sufficient notice of what is innocent or illegal activity.[59] Similarly, laws that are so vague that they give a judge or jury unbridled discretion in punishing defendants violate Article I, sections 20 and 21, of the Oregon Constitution.[60] The Ordinance prohibits, in part, words, signage, gestures, and/or actions that are offensive.[61] The Ordinance defines "offensive" as "conduct that has the effect of provoking or being likely to provoke an imminent violent or disorderly response."[62] There is no further guidance on what constitutes a "disorderly response," nor what may be likely to provoke such a response. Therefore, that definition fails to define "offensive' with enough precision to satisfy the United States Constitution, or with the "reasonable degree of certainty" required by the Oregon Constitution.[63]

In *Papachristou*, the United States Supreme Court struck down a vagrancy ordinance because it failed "to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden," and it encouraged arbitrary and erratic arrests and convictions.[64] To satisfy the Fourteenth Amendment Due Process Clause, laws must communicate to the potential offender and the police what they prohibit.[65] This provides the individual with an opportunity to align his or herself with the law, and it guides the officer, ensuring fair and equal enforcement.

In *Hodges,* the Oregon Supreme Court explained that a vague statute violates the principle against *ex post facto* laws because it delegates to the jury, the legislative power of deciding what the law will be.[66] For example, in *Hodges*, the Court addressed a statute that authorized punishment of any person who does any act which manifestly tends to cause any child to become delinquent.[67] The statute was unconstitutionally vague because its language was so loose that it allowed for the prosecution to selectively rid the community of individuals deemed undesirable, and it provided no basis for the judge or jury to decide how to move the case forward.[68] "[T]he free-wheeling power to legislate so as to find a defendant guilty should not be institutionalized in a criminal statute."[69]

Like the statutes before the *Papachristou* and *Hodges* courts, the Abusive Solicitation Ordinance provides little notice to an individual as to what behavior is prohibited. Furthermore, the Ordinance encourages the selective enforcement and application of the law against individuals deemed undesirable. The Ordinance does not define what constitutes a "disorderly response." It is enforceable based on any likelihood of an unpredictable, undefined, and unrealized response. For these reasons, the Abusive Solicitation Ordinance is unconstitutionally vague under the United States and Oregon Constitutions.

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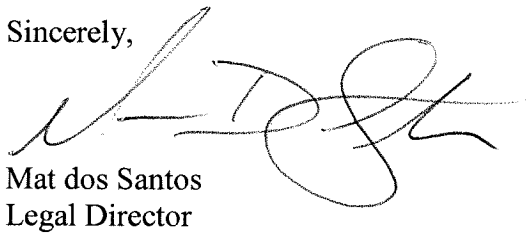
[58] *Papachristou v. Jacksonville*, 405 U.S. 156 (1972).
[59] *City of Chicago v. Morales*, 521 U.S. 41 (1999).
[60] *State v. Graves*, 299 Or. 189, 195 (1985).
[61] 9.10.345(C)(4)(e).
[62] 9.10.345(C)(2).
[63] *Graves,* 299 Or at 195.
[64] *Papachristo,* 405 U.S. at 162.
[65] *Id.*
[66] *State v. Hodges*, 254 Or. 21, 27 (1969) (en banc).
[67] *Id.* at 22.
[68] *Id.* at 27-28.
[69] *Id.* at 28.

Conclusion

The ACLU of Oregon strongly encourages the City of Brookings to re-evaluate the constitutionality of the Abusive Solicitation Ordinance and consider amendments that would protect the constitutional rights of its residents and visitors to solicit donations. Should the City want to discuss the contents of this letter further, please do not hesitate to reach out. I can be reached by telephone at 503-227-6928 or by e-mail at mdossantos@aclu-or.org.

Sincerely,



Mat dos Santos
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American Civil Liberties Union of Oregon