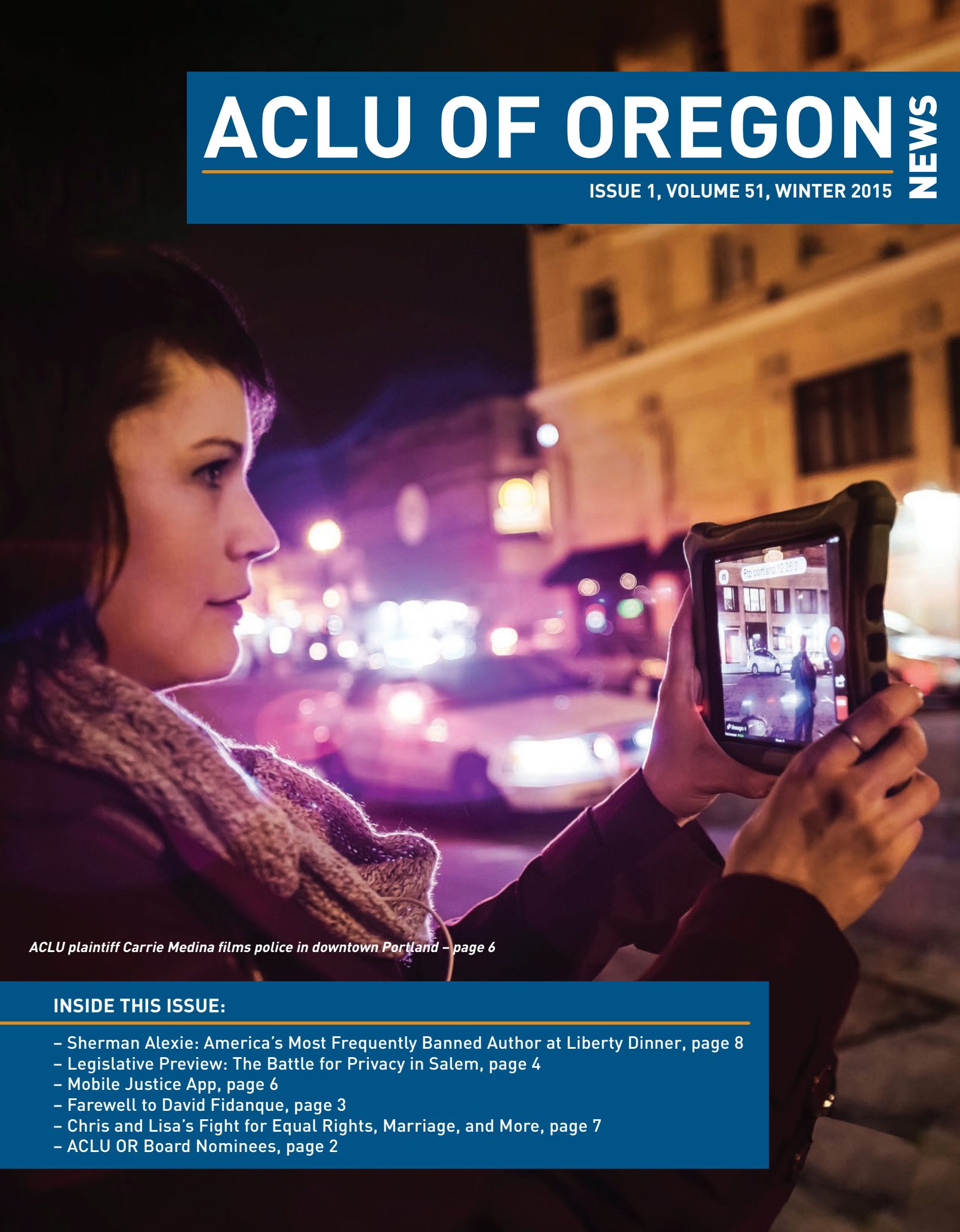


ACLU OF OREGON NEWS

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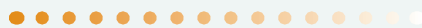
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Meet the Board Nominees

Our Nominating Committee has several criteria to balance as it seeks candidates for the 26 member board of directors. For example, our affirmative action plan requires that we strive for gender balance and representation from racial and ethnic minorities, people who self-identify as lesbian, gay, bisexual or transgender, and people living with disabilities.

We also seek candidates who will provide geographic and age diversity, as well as a range of skills and experiences. We ask candidates to serve as ACLU Ambassadors and actively participate in the financial stewardship of the organization.

Additional nominees may be made by a petition of 50 members of the ACLU of Oregon. A petition shall state the term for which a candidate is nominated; it shall also include the candidate's background and qualifications and 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 23. Ballots will be mailed April 6, 2015.

We sincerely thank outgoing board members **Jim Curtis** (Portland), **Cate Hartzell** (Ashland) and **Steven Wilker** (Portland) for their service. Each has completed two term on the board and, due to term limits, are not permitted to run for a third consecutive term. Our thanks also to **Bill Rainey** (Sisters) who was a strong board leader for 5 years.

Here are this year's candidates and you can find out more about them on our website at aclu-or.org/15boardcan.

- **Jim Arneson** is a civil and criminal defense attorney in Roseburg.
- **Jen Dugger** identifies as a queer woman and is the Director of the Disability Resource Center at Portland State University.
- **Alec Esquivel** is a civil rights specialist who won access to health care insurance coverage for transgender state employees.
- **Sean Hartfield** is a civil rights attorney who co-founded the first black owned law firm in Portland.
- **Cary Jackson** is an incumbent board member who also serves as a mentor and board member at the Rosemary Anderson High School/Portland Opportunities Industrialization Center.
- **Mariana Lindsay** is a former staff member of the Bus Project and currently works at PSU's Center for Women's Leadership.
- **Katherine McDowell** chairs the board of directors of Planned Parenthood of the Columbia-Willamette and is a partner in a women-owned law firm.
- **Bill Patton**, a partner in the Lane Powell law firm and running for reelection to our board, has been an ACLU cooperating attorney representing public school students.
- **Nancy Ross**, an incumbent board member from Astoria, is a former ACLU of Oregon client and recipient of the first Stevie Remington Award.
- **Erin Snyder** is a former ACLU of Oregon staff member and current board member who does criminal defense appellate work in Salem.

Thank you!



David Fidanque

For 33 years it has been my privilege and my passion to work for this organization that has such a positive impact on the lives of everyone who lives in Oregon. *Our work is not just about principles – it is about people.*

People like Carrie Medina, whose cell phone was improperly searched. People like our clients on the No Fly List who still can't get the FBI to tell them why they are under suspicion. People like Miguel Cabrera Cruz who was held in jail even after a judge ordered his release. All of them turned to the ACLU for help.

I want to thank you and all of our members, donors and supporters who make this work possible. Whether you have been an ACLU supporter since the 1950s or you made your first gift this month, you are a critical part of our work here in Oregon and nationwide. Without you, this work couldn't happen. Without your continued vocal support and financial contributions, the ACLU will not be successful in all the work that still lies ahead.

As I sprint towards my retirement on March 31st, it is tempting to get sentimental and reminisce about our past victories together. And there have been many! However, I want

to focus on the opportunities and challenges we face in the next few months.

You'll read elsewhere in this issue about the package of privacy bills we hope to pass in Salem this year. We are pleased to have the support of key Republicans and Democrats for these proposals, but we still need your help. Please join us in Salem on March 16 for Privacy Day when we will meet with legislators to build more support for these proposals.

As I write this, the Portland City Council is once again revisiting its relationship with the FBI's Joint Terrorism Task Force (JTTF). Since 2005, when Portland ended its full participation in the JTTF, the Police Bureau has cooperated with the FBI only on a case-by-case basis.

We strongly supported the City's decision because of the FBI's long history of targeting people in terrorism investigations based primarily on their political and/or religious beliefs. Oregon law prohibits such targeting – unless there is evidence of criminal activity.

Once again, we must remind our elected officials that we cannot protect freedom by undermining freedom. **The Constitution is not an obstacle to security; it is a road map for safety.** Only if we stay true to our core values will we be able to protect our freedoms.

Although I soon will no longer be on staff, I will continue being a passionate ACLU member, donor and booster – and I'm counting on you being there with me. Thanks!

FROM THE BOARD PRESIDENT, JENNIFER MIDDLETON

Honoring the past and embracing the future



Jennifer Middleton

Thanks to David Fidanque's successful leadership, the ACLU of Oregon is an effective and thriving organization that is poised to take on new challenges. With more than 33 years of committed and visionary leadership, Dave will leave behind an enormous legacy of advancing civil liberties in our state when he retires at the end of March. A sampling of our achievements under his leadership includes:

- Battling more than thirty anti-gay ballot initiatives in the 1980s and 1990s into a new era where same-sex couples now have the right to marry.
- Fighting dozens of efforts to water down the free speech protections we enjoy under the Oregon Constitution.
- Fostering a new generation of civil liberties leaders throughout the state who are working to advance privacy protections in the internet age.
- Working to overcome Oregon's legacy of racial exclusion to make this a more welcoming state for communities of color and immigrants.

- Being the ever-present passionate voice for reform of police practices.

And all the while, Dave has been a faithful steward of the ACLU's resources, doubling the staff over his tenure and building a stable and administratively sound organization through challenging times.

As the President of the Board, I have appointed a search committee with a broad and diverse range of experiences to spearhead this effort. They have been amazing: launching the search and engaging our stakeholders in a discussion about what the ACLU of Oregon can be in the years ahead.

Already we have heard enormous excitement about the opportunities ahead. We expect to receive applications from qualified people all over the country hoping to lead one of the nation's premier civil liberties organizations. To be sure, there is a significant transition ahead as we change leaders. But with a dedicated, experienced staff and engaged Board of Directors, I am confident that the transition will be smooth. **I thank Dave for his extraordinary service, I thank you for your financial support, and I look forward to introducing you to the next generation of leadership soon.**

A Behind the Scenes Peek at Our Legislative Advocacy

We had great success with Oregon legislators in 2013 on key privacy measures – one to guard against privacy invasion by law enforcement use of drones and the other to protect employees’ and university students’ digital privacy from unwarranted online snooping. We will continue to advance this agenda this session with a package of bills to curb mass surveillance.

Regulate Automatic License Plate Readers

Law enforcement agencies deploy license plate reader surveillance technology in Oregon without adequate or consistent privacy restrictions. Many agencies retain the location information and photograph of every vehicle that crosses the camera’s path, not simply those that are associated with a criminal nexus. In the aggregate, this stored private location data can reveal the travel histories of



thousands of Oregonians who have committed no crime. Longer retention periods and the absence of restrictions on sharing allow the government to assemble the individual puzzle pieces of where we have been over time into a single, high-resolution image of our lives. We are urging the legislature to impose consistent statewide guidelines for government’s use of ALPR surveillance technology, including benchmarks for use of the technology, safeguards limiting how long the data can be retained, and protections against unnecessary sharing of individuals’ data between government and private companies.

Prohibit unwarranted access to electronic communications and location information

Electronic communication – through e-mail, cell phones and social media – has increasingly eclipsed postal mail and other hard-copy methods as our primary means of communication.



Unfortunately, some government agencies interpret our outdated privacy laws to allow them to intercept and access a treasure trove of information about who you are, where you go, and what you do – the information being collected by search engines, social networking sites, and other websites every day. Similarly, location tracking information –

GPS records, cell phone location records, etc. – can reveal very sensitive information about your life. Location tracking records reveal a tremendous amount of detailed personal information about people ranging from which friends they are seeing to where they go to the doctor to how often they go to church.

We believe that the constitutional protections against unreasonable searches and seizures should protect your information held by third parties – such as internet service providers and phone companies – unless the government has probable cause of wrongdoing and gets a court order.

Waiting for the courts to enforce the constitution relating to newer technologies could take many years and may not be successful. Our proposed legislation will reboot our privacy laws to ensure that online and digital activity, including sensitive location tracking records, receive the same protection as is guaranteed to offline activity.

Cell phone search? Get a warrant!

The type of data stored on a smartphone can paint a near-complete picture of even the most private details of your personal life. Before the age of smartphones, it was impossible



for police to gather this much private information about your communications, historical movements, and private life during an arrest. Today, many police officers routinely search the contents of a cell phone during an arrest encounter. Sometimes officers do so with the aid of companies like Cellebrite that produce tools that strip a cell phone of all of its data on the scene. Such searches are a highly concerning invasion of privacy and are, in our opinion, unconstitutional.

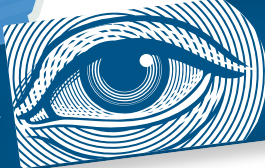
Last term, the U.S. Supreme Court agreed with this position and directed law enforcement to get a warrant before searching a cell phone. By codifying and narrowing this ruling, our legislative proposal affirms that you are entitled to smartphone privacy and that government agents may not search a cell phone unless they have a search warrant based on probable cause.



TECHNOLOGY HAS CHANGED. YOUR RIGHTS HAVE NOT.

MARCH 16
SALEM, OREGON

JOIN US IN SALEM ON
MONDAY, MARCH 16,
TO TELL LEGISLATORS
TO LIMIT THE
USE OF DRAGNET
SURVEILLANCE
AND STRENGTHEN
OREGON'S PRIVACY
PROTECTIONS.



**YOUR PRIVACY
EQUALS FREEDOM**

LEARN MORE AND SIGN UP AT ACLU-OR.ORG/PRIVACYDAY.



Privacy policies for police body cameras

Even before, but certainly in the wake of the shooting of Michael Brown in Ferguson, Missouri last year, many Oregon law enforcement agencies are poised to equip officers with body



cameras to record their encounters with members of the public. While the ACLU generally takes a dim view of the proliferation of surveillance in our society, we hope that body cameras can be different. Guided by the right privacy policies, body cameras have the potential to serve as a much-needed check on police misconduct and hold officers accountable for abuse of power. We are working this session with legislators to reconcile the many important questions about body cameras. Who decides when they are on or off? How long should the footage be retained and how should it be used? Is all footage subject to public records disclosure, or only that which serves a police accountability function?

Our proposed bill would require law enforcement to have policies on these and other issues in place before body cameras are widely deployed. In addition, our bill would also clarify that members of the public may make video and audio recordings of police officers in the course of their duties. We believe this

activity is protected by the First Amendment, but Oregon law currently requires individuals who are recording conversations to give "specific notice" to any individuals whose audio is being recorded.

Reproductive health care for all Oregon women

We believe that every woman should have equal access to the full range of reproductive health care, starting before conception through childbirth. We know that these basic rights are the foundation of freedom, equity, and economic opportunity for women and their families. With our partners in the Pro-Choice Coalition of Oregon, we created the Comprehensive Women's Health Bill to fill gaps in existing Oregon law and to clarify elements of federal law to ensure access to a full range of reproductive health care – including safe, legal abortion – for all women in Oregon.



Our members and supporters keep our civil liberties agenda moving forward. Sign up to receive email action alerts and learn how you can help at aclu-or.org.

Mobile Justice

Cop Snatches Phone from Journalist During Live Broadcast – ACLU to Take Legal Action

Carrie Medina firmly believes that police should always act as they would if they knew there was a camera on them. She made it a point to film police encounters she witnessed.

In February 2013, while riding the bus home from work, she heard someone exclaim, “Ooh, that must’ve hurt!” and looked outside to see two police officers arresting a young man. She decided to get off the bus to start livestreaming video of the interaction with her phone.

Medina was no stranger to livestreaming. She got her start during the Occupy Portland protests and had soon gathered a group of dedicated viewers. With donations from her supporters to help cover expenses, she had also traveled to protests in D.C. and Chicago to livestream video.

“Livestreamers” have played an important role in recent protests both by attracting large audiences in real time and also by capturing moments that can go “viral” afterwards. For example, over 750,000 viewers tuned in live to see the violent eviction of the Occupy Wall Street protestors. And recently in Ferguson, Missouri, livestreaming journalists shared video of the militarized police response toward protestors that shocked the nation.

By the time Carrie Medina was off the bus and in place to video, the young man being arrested was already in handcuffs. She stood several yards away broadcasting and narrating the

events. She started to feel that the police were paying her a lot of attention and she backed even further away. That’s when Officer Letsis walked up to her and asked to see her video. Medina explained that she did not want to show her phone. She further explained that the video was streaming live and would be available on the internet for review. The police officer told her again that she must show him her recording and then snatched the phone away and twisted her arm. She was detained while the officer searched her phone, but luckily the video was also uploaded and saved on the livestream site. (Visit www.aclu-or.org to see the video.)

Medina was scared and appalled by the officer’s actions that day, but the incident only fueled her belief in the importance of filming police. She shared her story with other media outlets and filed a formal complaint against the officer. Medina also cofounded a group dedicated to standing up for the right to video police called Film the Police Portland.

We are preparing a legal action on Medina’s behalf alleging her rights were violated. Our hope is to clearly establish that people have a right to film police activity and that police officers must respect that right. Representing Medina in cooperation with the ACLU Foundation of Oregon are Charles Paternoster of Parsons, Farnell & Grein LLP and Gregory Chaimov, Alan Galloway, and Tim Cunningham of Davis Wright Tremaine LLP.



Mike Smith and Carrie Medina, founders of Film the Police Portland

Photo credit: Lindsay Beaumont



You Have the Right to Film Police. We Made an App to Help.

Our Mobile Justice smartphone app was created to empower individuals to hold Oregon law enforcement agencies accountable for their actions. Learn more and download it at aclu-or.org/MobileJustice

Strong and Gracious Advocates for Social Justice to be Honored

Our Board of Directors unanimously voted to award Chris Tanner and Lisa Chickadonz the Remington Award (named after our first and long-serving Executive Director Stevie Remington) for their significant personal sacrifice that advanced civil liberties. The award will be presented at the **Feb. 27th Liberty Dinner**.

It is never easy to be looked upon as the representatives for a diverse group of people. But Lisa and Chris have been strong and gracious advocates, who were willing to open their lives to the public and media scrutiny that comes from participating in high profile cases. Throughout their 30-year relationship Chris and Lisa have quietly, and sometimes not so quietly, insisted that their relationship and family were worthy of the same respect and dignity our society gives to heterosexual couples.

Twenty-two years ago, with the Oregon Citizens Alliance dividing communities throughout Oregon with its anti-gay Measure 9, this young couple stepped up to challenge one of Oregon's largest employers. Chris's employer, the Oregon Health Sciences University (OHSU), allowed its employees to provide health coverage for "family members." However, domestic partners were not considered "family members." With the ACLU's help, Chris and Lisa challenged this policy in court.

The trial court agreed the policy was discriminatory and violated the state constitution. Six years later, the Oregon Court of Appeals upheld the trial court's decision in **Tanner v. OHSU** and became the **first appellate court in the nation to decide**



Chris and Lisa with their children
Katie and Jacob.

that a state constitution requires the state and local governments to recognize same-sex domestic partnerships. As a result of their courageous stand, thousands of gay and lesbian public employees were able to provide their domestic partners with health insurance just as married public employees could provide for their spouses. Additionally, the court also made it clear that current Oregon law prohibits any employer -whether public or private - from discriminating in the workplace on the basis of sexual orientation.

But domestic partnerships are not the same as marriage. In 2004, when Multnomah County announced it would issue marriage licenses to same-sex

couples, Chris (with her broken leg) and Lisa, with their kids in tow, were the first in line. They waited all night to get a license and were married in their church that same day. The devastation they felt a year later, when the Oregon Supreme Court declared those marriages void, was real and painful.

In late 2013, in the wake of the ACLU's tremendous Supreme Court victory in the *Windsor* case, Chris and Lisa once again stepped up for the LGBT community and became plaintiffs in another landmark lawsuit. They joined the ACLU's freedom to marry lawsuit and on May 19, 2014, the freedom to marry was declared the law in Oregon.

On August 30, 2014, Lisa and Chris were married in their church surrounded by family and friends. **Join us in honoring Chris and Lisa at our Liberty Dinner. See back cover for details.**

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LIBERTY DINNER

FEATURING SHERMAN ALEXIE



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- San Francisco Chronicle

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