



Free Speech & Expression Don't Weaken our Bill of Rights: Oppose SJR 28, HJR 34 & HJR 35

Take Action: Don't Weaken our Oregon Constitution Free Expression Provision

The ACLU of Oregon opposes SJR 28, HJR 34 and HJR 35, which are all constitutional amendments that would weaken our free expression provision, Article I, section 8 of the Oregon Constitution.

Article I, section 8, approved by the people in 1857 and effective upon statehood in 1859 provides: "No 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."

SJR 28, HJR 34 and HJR 35 would either replace entirely or add exceptions to Article I, section 8 with the goal of granting authority to state and local governments to restrict expression, including sexually-related speech currently protected by the Oregon Bill of Rights.

We decide what we read, see and hear

In the last 17 years, Oregonians have been asked **three times** to weaken Article I, section 8 for the similar reasons the sponsors of these proposals are using today. But each time Oregonians rejected those measures, making it clear that voters do not want the government telling them what they can read, see or hear.

Voting history: 1994, 1996 & 2000

In **1994**, an initiative proposal, Measure 19, qualified for the ballot to amend Article I, section 8 to prohibit "obscenity." Voters rejected Measure 19 by 55% to 45%.

In **1996**, the Legislature referred Measure 31 to voters, which was a similar amendment to Article I, section 8. Voters rejected Measure 31 by 53% to 47%, across the state.

In **2000**, the legislature tried for a *third* time and referred Measure 87 to amend Article I, section 8 to allow cities and counties to zone "sexually oriented businesses." Voters once again rejected Measure 87 by 53% to 47% across the state.

2006: Voters reject restricting Free Speech

In 2006, Oregonians once again made it crystal clear that they do not want to weaken the Oregon free expression provision – no matter the reason. In 2006 voters rejected Measure 46 which would have amended Article I, section 8 for the purpose of prohibiting or limiting political campaign contributions and expenditures. Even though voters approved the statutory companion measure, Measure 46 was rejected by 60% to 40% in every county, specifically because it would have undermined the free expression protections of the Oregon Constitution.

Local jurisdictions already have tools

Cities already have nuisance ordinances that allow them to respond to any business, no matter what kind of business, if that business causes problems. Those regulations are content-neutral and do not require weakening our constitutional free expression protections.

Same arguments year after year

Voters have been asked before to weaken our Bill of Rights to make us "safer" and bring us into alignment with the federal constitution. Oregonians understand these measures promote censorship and have said: "NO."

**DON'T WEAKEN THE
OREGON BILL OF RIGHTS:
SAY "NO" TO SJR 28, HJR 34 & HJR 35**