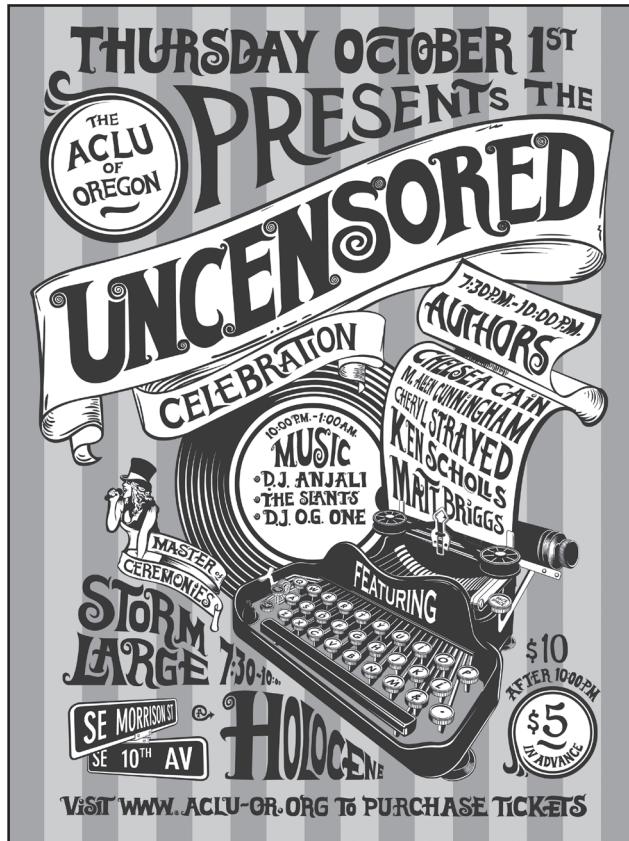




ISSUE 2, VOLUME 44, FALL 2009

JOIN OUR PRIZE-WINNING BANNED BOOKS WEEK



The ACLU of Oregon will once again participate in the observance of Banned Books Week, which is Sept. 26 to Oct. 3. Banned Books Week, sponsored by the American Library Association, has celebrated the freedom to read since 1982.

The ACLU of Oregon was recently recognized for its part in the 2008 observation of Banned Books Week. As part of the Celebrate the Freedom to Read Coalition, the ACLU received the American Library Association Intellectual Freedom Round Table Proquest-SIRS State and Regional Intellectual Freedom Achievement Award, honoring the most innovative and effective freedom project covering a state or region.

The other partners in the coalition are the Oregon Library Association Intellectual Freedom Committee and the Oregon Association of School Libraries Intellectual Freedom Committee.

Last year, 241 sites throughout Oregon participated in Banned Books Week. More than 10,000 "I Read Banned Books" buttons were distributed through those sites. Recruitment of libraries and bookstores for the 2009 event has already begun. Events include an Uncensored Celebration in Portland, Read-Outs in Lane County and displays of challenged books in libraries and bookstores across the state. A list of the books challenged in Oregon since 1973 is posted on the ACLU of Oregon website (www.aclu-or.org) as well as an updated list of Banned Books Week activities. To find out if there is an event near you or if any of your favorite books have been challenged, take a look at the website.

WINNING SESSION: 2009 LEGISLATURE APPROVES AMBITIOUS ACLU AGENDA

THE OREGON LEGISLATURE APPROVED FIVE ACLU OF OREGON PRIORITY BILLS THIS YEAR, INCLUDING SB 536, WHICH PROHIBITS OREGON FROM TAKING ANY FURTHER ACTION TO IMPLEMENT THE FEDERAL REAL ID ACT. WITH PASSAGE OF SB 536, OREGON BECAME THE 24TH STATE TO TAKE ACTION AGAINST REAL ID.

In addition to our affirmative priorities, we had a very busy session tracking hundreds of other bills, most of which would have undermined civil liberties. Our biggest disappointment was the passage of SB 355, which will create a government-monitored pharmacy database to track the millions of lawful prescriptions of controlled substances issued to Oregonians.

Among other issues we covered were: free speech, privacy, reproductive freedom, the death penalty, criminal justice, drug policy and election and initiative reform. For the details on our priority bills and also other highlights of the session sorted by issue, see the Legislative Report beginning on Page 6.



Because freedom can't protect itself.

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of OREGON

FROM THE EXECUTIVE DIRECTOR IT'S TORTURE TO WATCH TORTURE BEING ACCEPTED IN THE U.S.



David Fidanque

As I write this column, Attorney General Eric Holder has – finally – taken the first baby step toward ensuring some measure of accountability for torture by referring the dozen most egregious CIA torture incidents to career prosecutor John Durham for review.

Those incidents only came to light because of the ACLU's tenacious pursuit of government torture documents under the Freedom of Information Act. We are deeply disappointed that the Attorney General limited Durham's scope of the review. What is really needed is the appointment of a special prosecutor with the authority to follow the torture trail up the chain of command to those who were most responsible.

Amazingly, the reaction of too many pundits to these revelations, and others, has been to justify the torture described in the Inspector General's report and warn of the "danger" to the nation that results from airing these issues in public. They have it backward.

The danger to our national security comes from having too little faith in the strength of American resolve. The only way we can possibly prevent future acts of terrorism against the U.S. and against U.S. interests around the world is by staying true to our values.

When the U.S. says one thing and does another, we only prove ourselves to be hypocrites. When we challenge human rights abuses in other countries and then commit the same abuses ourselves, we abdicate our morality as well as any shred of credibility.

Some commentators tell us we have to adopt these "harsh" tactics because our enemies are ruthless. Again, they miss the point. When we adopt the tactics of brutality, we only help our enemies recruit more terrorists.

We can never succeed in isolating and defeating those who attack us by adopting inhumane and illegal tactics.

And yet, it is easy to believe that such a course is necessary and justified when we are constantly reminded of roadside bombs, kidnappings and murder carried out by our opponents in Afghanistan and Iraq. It is too easy to believe the pundits who tell us that the CIA interrogators exercised great "self-restraint" when we have seen torture carried out repeatedly and routinely by TV "hero" Jack Bauer on Fox's "24."

The hard reality is that it takes much more courage to refuse to engage in torture than it does to carry it out. It takes much more courage to stay true to American values than it does to make excuses for ignoring them.

We can only win the "war" on terrorism if we put an end to all of the human rights abuses that have been carried out by U.S. officials, agents and contractors. We can only put an end to those abuses if we have the courage to open them up to the light of day and then hold accountable everyone who was responsible. Only when we have completed that task will we be able to strengthen our policies and legal safeguards to prevent such abuses from happening again.

Then, and only then, will we be able to "look forward" and, in time, convince our potential enemies that we can be trusted. And only then, if we continue to have the courage to continue living up to our noblest principles, will we be able to forge alliances to effectively combat terrorism and support self-determination, freedom and human rights for all of the world's people.

LITIGATION REPORT

SO FAR THIS FISCAL YEAR (APRIL THROUGH AUGUST), WE HAVE 33 CASES ON OUR LITIGATION DOCKET. HERE ARE SOME HIGHLIGHTS:

TWO GAY/STRAIGHT ALLIANCES WIN EQUAL ACCESS

This past spring, the Pendleton School Board required the Pendleton High School Gay/Straight Alliance (GSA), and no other club on campus, to obtain board approval.

When the GSA sought that approval, the board denied it on the grounds that the GSA did not meet district policy requirements.

In a separate incident soon after, students at Forest Grove High School applied to form a Gay/Straight Alliance but also were rejected by the principal but on the basis that another anti-prejudice club existed at the school. When that application was brought to the superintendent's attention, he, too, rejected it on the same grounds.

In both cases, we sent demand letters that the denials in both districts represented clear violations of the federal Equal Access Act and the Oregon Equality Act. Both school districts reconsidered and approved the GSA applications within a few days of receiving our letters.

Our cooperating attorney for both cases was William Patton of Lane Powell PC.

JACKSONVILLE BUSH PROTEST UPDATE

As you may recall, for several years we have been representing numerous individuals and groups who protested outside the Jacksonville Inn on Oct. 14, 2004, while then-President Bush was dining at the inn.

Almost since we filed the case in 2006, it has been tied up in procedural knots because the U.S. Justice Department has argued that two Secret Service agents have qualified immunity and should be dismissed as defendants. We were able to defeat that motion in the District Court, but the Justice Department appealed the trial court's ruling to the 9th Circuit U.S. Court of Appeals. While we have also sued state and local police, that part of the case has been stayed pending a decision by the 9th Circuit.

Eventually, we expect to prove that the Secret Service and state and local law enforcement officials unconstitutionally moved demonstrators who were critical of the President away from the inn, while favoring demonstrators who were supportive of Bush who were also close to the President. We will also argue that state and local police violated the protesters' rights by using unnecessary and excessive force in moving them from the front of the inn. But none of that has been able to occur while the case was on appeal.

While the Justice Department's appeal was pending, the U.S. Supreme Court agreed to decide a similar issue in a post-9/11 lawsuit against former U.S. Attorney General John Ashcroft. When the Supreme Court decided *Ashcroft v. Iqbal* in May, it made it much more difficult for individuals to sue government agents for violations of constitutional rights. In the majority opinion in *Iqbal*, Justice Kennedy said that even detailed allegations of wrongdoing are insufficient to prevent dismissal of federal defendants if the allegations of the lawsuit are not "plausible."

Not surprisingly, the Supreme Court's decision led the 9th Circuit to rule against us in the Jacksonville case in July. However, the Court has remanded the case to the U.S. District

SEE LITIGATION PAGE 4

2010 INITIATIVE SEASON: STATEWIDE RIGHTS, FREE SPEECH AT STAKE

ACLU continues to monitor the dozens of statewide initiatives that have been proposed for the 2010 ballot. As of this writing, about 60 initiatives have been filed with the Secretary of State. We monitor all initiatives that would affect civil liberties to make sure that proposed ballot titles accurately describe the measures' effects. We also work to ensure that initiatives do not violate two procedural requirements of the Oregon Constitution. The first requires that initiatives contain the "full text" of laws that would be amended and the second requires "separate votes" for multiple constitutional amendments.

In this two-year election cycle, ACLU staff and volunteer attorneys have filed ballot title comments and/or procedural challenges on 13 of those initiatives. These proposals include limiting Oregon's free expression provision, outlawing access to abortion, repealing Oregon's Medical Marijuana Act, creating barriers to first-time voter registration, and prohibiting limits on state and local

cooperation with federal immigration enforcement. Many of our comments have resulted in clearer and more accurate ballot titles being adopted by the Attorney General.

In addition, we have filed a pre-election legal challenge to Initiative Petition 30, which would amend the Oregon Constitution to create a "right to life" beginning at the moment of conception and to make that right the "paramount and most fundamental right" in the Constitution. Marion County Circuit Court Judge Susan Tripp agreed with us that this proposal should have been rejected for circulation because it violates the requirement that multiple amendments to the Constitution be voted on separately. In addition to outlawing abortion, IP 30 would also make all other rights, including free expression and equal protection, inferior to the right to "life." The State has appealed Judge Tripp's decision to the Oregon Court of Appeals. ACLU volunteer attorneys Greg Chaimov and Alan Galloway of Davis Wright Tremaine LLP are handling this case.

Court so that we can amend our complaint to address those factual issues. The problem we now face is that our best evidence would only come to light if we are allowed to demand access to federal documents and to question the Secret Service agents.

Unfortunately, that will not happen before we amend the complaint and the Justice Department once again files a motion to dismiss. We are working hard to get around this “Catch-22.” The attorneys who have worked or are working on this case on behalf of the ACLU are Steven Wilker, Paul Conable and James Hein, all with the law firm Tonkon Torp LLP, Anil Karia of the Law Office of Michael Tedesco and formerly with Tonkon Torp LLP, and Ralph Temple and Art Spitzer, past and present legal directors of the National Capital Area ACLU, respectively.

PROTECTING FREE SPEECH IN PENDLETON

In Pendleton, the free speech of Blue Mountain Community College students and community members was being chilled by a restrictive policy on the posting of fliers and posters.

The policy stated that since Blue Mountain Community College is a “non-partisan institution,” “political posters or other partisan materials [were] not allowed to be posted on college buildings or grounds.” The policy also prohibited words and pictures that were “profane, or which would generally be offensive to potential viewers.”

In our view, both restrictions violated the free expression protections of the First Amendment of the U.S. Constitution and Article I, section 8 of the Oregon Constitution. On May 26, we sent a demand letter to the president of Blue Mountain Community College requesting that the policy be rewritten to eliminate these restrictions.

On July 21, the College revised its posting policy, removing the prohibition of political material and “profane” or generally offensive material. The policy now prohibits only the posting of “obscene or libelous” material.

ACLU of Oregon Legal Director Chin See Ming and Summer Legal Intern Emily Garber handled the case.

VICTORY IN IMPOUNDED SUV CASE

We have been representing Wayne Hadland in his constitutional challenge to the impoundment of his vehicle by the City of Sweet Home. In 2005, the 9th Circuit U.S. Court of Appeals ruled in two cases, one of which was from Oregon, that seizure of a vehicle is only permitted under the Fourth Amendment if the vehicle is in a location that threatens public safety.

Despite that earlier ruling, the Sweet Home Police Department had impounded Mr. Hadland’s vehicle from his daughter’s driveway. After lending his SUV to his daughter, her neighbors had called police to report her fiancé had driven recklessly.

By the time police arrived, the SUV was back in the daughter’s carport and she had gone into the house with the keys. Sweet Home police arrested the fiancé and also impounded the vehicle, consistent with the Oregon law that had earlier been ruled unconstitutional.

Mr. Hadland paid the towing and storage fees and then

challenged the impoundment in municipal court, but to no avail.

On review in Linn County Circuit Court, we pointed out the 9th Circuit’s decisions, which are binding everywhere in Oregon as well as in the other states in the federal appeals court’s jurisdiction.

On Aug. 13, 2009, the court ruled in our favor. We do not expect the City to appeal. Our cooperating attorney is Emily Courtnage of Stoll Berne LLP.

COURT LIMITS POLICE USE OF SECRET LIST

We agreed to act as co-counsel on a limited basis to assist the court-appointed lawyers for Janet Strachan, Ronald Washington, Sylvester Brown, Deandro Shaver and Jamie Rodenbaugh in order to challenge the Portland Police Bureau’s Neighborhood Livability Crime Enforcement Program List.

This list consists of people whom the police have frequently arrested for certain types of crimes in certain neighborhoods. People on the list are not notified and do not have any way to challenge their presence on the list.

The Multnomah County District Attorney’s policy is to charge persons on this list, if caught with a small amount of drugs, with felony possession, while persons not on the list are charged only with misdemeanor possession.

After briefing and a multi-day hearing, the Multnomah County Circuit Court agreed with us that it would violate the Oregon Constitution for the District Attorney to rely solely on the list to decide to charge a defendant with a felony, or to deny a defendant access to the court’s STOP program, which, if successfully completed, results in a dismissal of charges.

There is a continuing disagreement with the District Attorney’s office and the City over what is prohibited by the judge’s order. We are continuing to monitor the situation to make sure that the due process and other rights of defendants are not violated.

Our cooperating attorneys in this matter are Elden Rosenthal of Rosenthal & Greene, PC, and Banu Ramachandran of Perkins Coie LLP.

OREGON CAPITOL PROTESTERS AWAIT RULING

As we previously reported, we are representing five anti-war protesters who were charged with trespass for participating in a round-the-clock vigil on the steps of the Oregon Capitol.

Last November, the legislative administrator delivered a letter to Michele Darr reciting the Legislative Administration Committee (“LAC”) policy that he said prohibited overnight use of the steps. That same evening, the Oregon State Police cited her for trespass.

A few days later, the State Police cited her again for trespass and arrested her. She was released on her own recognizance and returned to the Capitol.

In our view, the legislative guidelines in place at that time were unconstitutional because they were vague and gave the administrator unbridled discretion to permit overnight activities outside the Capitol.

In December, we sent a letter to the Marion County

District Attorney and LAC demanding that they drop the charges against Darr and allow her to remain overnight on the steps. The next day, the DA agreed that he would not forward Darr's trespass citations to the court.

However, in January, the LAC adopted new guidelines that prohibit all activities on the steps between 11 p.m. and 7 a.m. unless there are legislative hearings or floor sessions taking place.

The State Police then cited Darr and four fellow protesters, Mark Babson, Teresa Gooch, Greg Cleland and Margaret Morton, for trespass, based on the new guidelines. The State Police also cited George Meek, who was not part of the protest but was taking photographs of the protesters.

We have filed various motions on behalf of each of the defendants in Marion County Circuit Court seeking the dismissal of all charges. We have argued that the defendants' rights of free speech and assembly under both the state and federal constitutions have been violated.

As of this writing, we await a ruling any day from the court. Our cooperating attorneys in these cases are Tim Volpert, David Blasher and Alan Galloway, all of Davis Wright Tremaine LLP, Michael Swaim of Michael E Swaim PC, and Jossi Davidson of Gracey & Davidson.

ANTI-IMMIGRANT MEASURE OVERTURNED

You may recall that last December, together with the Northwest Workers Justice Project and independent lawyer Steve Manning, we filed a declaratory judgment action on behalf of 29 separate plaintiffs in Columbia County Circuit Court challenging Columbia County Initiative Measure 5-190, adopted at the Nov. 4, 2008, election.

The measure purported to impose a \$10,000 fine on businesses that intentionally hire undocumented workers, and would have required the suspension or revocation of the offender's business licenses and building permits.

In late January, at our request, the court had issued a preliminary injunction to prevent the county from enforcing the initiative before the court resolved our challenge.

In April, the court issued its final ruling that the initiative was invalid because it conflicted with federal immigration law and went beyond the powers delegated to the county under state law. Since the county did not appeal, that ruling is now final. Our cooperating attorneys in this matter were Bruce Campbell and Elisa Dozono, both of Miller Nash LLP.

Visit www.aclu-or.org to keep up to date with our litigation efforts

YOUTH OUTREACH EFFORTS TAKE OFF

"NEVER DOUBT THAT A SMALL GROUP OF THOUGHTFUL, COMMITTED CITIZENS CAN CHANGE THE WORLD. INDEED, IT IS THE ONLY THING THAT EVER HAS."

— MARGARET MEAD

The ACLU of Oregon Youth Outreach Committee has partnered with other groups to present several fun events that celebrate civil liberties.

In late 2008, the ACLU of Oregon made the decision to start actively reaching out to the next generation of civil libertarians in the Portland area by forming the Youth Outreach Committee. This small group of six dedicated volunteers has taken on the huge task of bringing their peers closer to the ACLU and the work that we do.

So far, the Youth Outreach Committee has co-hosted a series of successful events starting with Lady Liberty Presents a Night at the Movies with NARAL Pro-Choice Oregon in June, Civil Liberties are Sexy with Planned Parenthood Columbia Willamette in July, and A Very Civil Sunday with Q Center and Planned Parenthood in late August.

The group's hard work will continue with the Uncensored Celebration, an ACLU-hosted event in celebration of Banned Books Week, the nationwide celebration of our freedom of expression, on Thursday, Oct. 1, at Holocene in Southeast Portland. The party will feature discussions on censorship and readings from challenged books by local authors, music with local DJs and bands, raffles and other fun surprises. For more information see the poster on page 1, or visit www.aclu-or.org/uncensored-celebration.

The Youth Outreach Committee looks forward to planning more events in the future that will educate and engage a younger audience on behalf of the ACLU of Oregon. Stay tuned for upcoming activities.

If you are interested in joining the ACLU of Oregon's youth outreach efforts or if you have any questions, contact emitchell@aclu-or.org.



Youth Outreach Committee volunteers, from left, Carly Stockman, Jade Hatfield and Ruby Pipes with ACLU staff member Evyn Mitchell at Civil Liberties are Sexy in July.

LEGISLATIVE REPORT

PRIVACY: SAYING “NO” TO REAL ID (SB 536)

ACLU arranged for the introduction of **SB 536**, with 27 co-sponsors, which prohibits Oregon from expending any additional funds to implement the federal Real ID Act until sufficient federal funds and adequate privacy protections are put in place. Special acknowledgment goes to the chief sponsor, Sen. Rick Metsger (D-Mount Hood) as well as both Sen. Larry George (R-Sherwood) and Rep. Dennis Richardson (R-Central Point), who helped make this a truly bipartisan effort.

Passed by Congress in 2005, Real ID would turn our driver licenses into national identification cards and require a nationwide shared DMV database. Across the country, ACLU has led the efforts to oppose Real ID because it raises significant privacy risks to all.

We were thrilled when SB 536 passed the Senate unanimously, 30-0. With momentum behind it, SB 536 moved to the House where it passed 39-6. Unfortunately, because the vote occurred near the end of session, 15 legislators, including a number of co-sponsors, were excused from the floor session for other legislative business. We know that if all 60 representatives had been present we likely would have had more than 50 “yes” votes. Gov. Kulongoski, who has strongly supported Real ID, refused to sign SB 536 but allowed it to become law without his signature.

WIN: PASSED INTO LAW

Passed Senate: 30-0

Passed House: 39-6

☒ *Scorecard Vote, see pages 8-9*

PRIVACY: DRIVER LICENSE DATA HARVESTING (HB 2371)

ACLU arranged for the introduction of **HB 2371**, which restricts businesses and government from swiping the barcode on the back of our Oregon driver licenses and state-issued identification cards. Electronic swiping of the barcode reveals almost all of the personal information contained on your license or ID card, including your name, address, date of birth, height, weight, gender, eye color, lens restrictions, donor status and license or ID card number.

Businesses in Oregon and across the country have been acquiring the technology that allows them to swipe this data.

Those bills with this notation:

☒ *Scorecard Vote, see pages 8-9*

Check your legislators’ individual votes on pages 8-9 — and see how they measure against ACLU’s recommendations.

HB 2371 establishes important safeguards. While the new law will allow swiping for fraud prevention and in some other cases with permission, it prohibits the collection or retention of anything beyond your name, address, date of birth and card number. Even in cases where swiping is authorized, businesses are prohibited from using the data for marketing purposes.

As an enforcement mechanism, HB 2371 allows for a private right of action, including recovery of attorney fees, if the terms of the law are violated by any business. The new law will take effect Jan. 1, 2010. Watch our website in coming months for a fact sheet explaining your rights under HB 2371.

WIN: PASSED INTO LAW

Passed House: 59-0

Passed Senate: 20-0

DNA & CRIMINAL JUSTICE: DNA RETENTION POLICY (SB 310)

SB 310 builds on Oregon’s DNA innocence law passed a few years ago allowing a person convicted of murder, a “person” felony or certain sex crimes to request testing of evidence for DNA that was obtained in the original criminal investigation. That law establishes a procedure to request testing but currently there is no uniform state policy or practice regarding the retention of evidence that contains biological material after appeals are exhausted.

Establishing innocence years after conviction requires preservation of the evidence containing biological material. Most jurisdictions are already preserving evidence that might be used to solve cold cases, but we want to be sure they also retain evidence that may prove a convicted person’s innocence.

SB 310, in its original form, would have enacted a statewide retention requirement with specific limitations and a process for eventual destruction. However, behind the scenes, law enforcement representatives began to work in opposition despite never testifying on the bill when it had a public hearing. Facing the possibility that the legislation would not pass because of this opposition, we agreed to amend the bill. SB 310 now requires that biological evidence in murder and sex crime cases be retained until January 2012. In the interim, a work group will be formed to prepare legislation to establish uniform policies and practices statewide.

WIN: PASSED INTO LAW

Passed Senate: 30-0

Passed House: 57-0

CIVIL JUSTICE: REPEAL CONSTITUTIONALLY QUESTIONABLE 1862 LAW (SB 404)

Prior to the legislative session, ACLU agreed to represent an attorney who was threatened with being held in contempt of court under a law first approved in 1862.

CONTINUED ON PAGE 7

If an attorney represents an Oregon plaintiff and loses, the defendant can recover costs (such as filing fees, transcript and copying charges) against the plaintiff. If the plaintiff fails to pay, the defendant can pursue that claim only against the plaintiff. However, if an attorney represents an *out-of-state* plaintiff who fails to pay the cost bill, instead of pursuing the plaintiff, the defendant can pursue the plaintiff's attorney personally.

We believed this law was unconstitutional, and we challenged it on behalf of an attorney whose client failed to pay an \$800 cost bill awarded to TriMet. Instead of pursuing the plaintiff, TriMet pursued the plaintiff's attorney.

Since litigation can take years and success is never guaranteed, we also decided to ask the Legislature to repeal this law. **SB 404** passed and soon after it took effect, the court agreed to dismiss TriMet's attempt to recover costs from our client.

WIN: PASSED INTO LAW

Passed Senate: 24-3

Passed House: 38-6

☒ *Scorecard Vote, see pages 8-9*

FREE SPEECH: UPDATE "SLAPP" SUIT PROTECTIONS (SB 543)

At the request of ACLU cooperating attorney Charles Hinkle, we helped shepherd through **SB 543** updating Oregon's SLAPP law (Strategic Lawsuits Against Public Participation).

The legislature first adopted the SLAPP statute in 2001. It is intended to provide for dismissal of lawsuits that are intended to chill public participation. These lawsuits target individuals who speak at public hearings before government bodies, write letters to the editor on public issues or express opinions on radio talk shows and Internet websites. The law allows the defendant (the public participant) to move to dismiss the lawsuit upon a showing that it is intended to chill speech before he or she is subject to substantial expenses. The law has worked well in most cases; it has resulted in lower litigation costs and fewer lawsuits against defendants who speak out on issues of public interest.

SB 543 will allow a defendant to directly appeal when a motion to dismiss is denied. It also clarifies that the free speech protections in the statute are to be liberally construed.

WIN: PASSED INTO LAW

Passed Senate: 29-0

Passed House: 45-0

PRIVACY: GOVERNMENT-MONITORED PHARMACY DATABASE (SB 355)

For the third time in as many sessions, the Board of Pharmacy introduced legislation, **SB 355**, to allow the state to create a statewide database to monitor the lawful prescriptions of controlled substance schedules II, III or IV issued to patients in Oregon. The database would cover all codeine-based products, most prescription pain medications and other prescription

drugs such as Ambien, Ritalin and Xanax, prescribed to thousands of Oregonians, including children. Proponents expect the database will track more than five million Oregon prescriptions annually.

In addition to the Oregon Board of Pharmacy, the effort to pass SB 355 was led by the Oregon Department of Human Services, Sen. Alan Bates (D-Ashland), Sen. Bill Morrisette (D-Springfield), Sen. Jeff Kruse (R-Roseburg), Rep. Chip Shields (D-Portland), Rep. Jim Thompson (R-Dallas) and Rep. Ron Maurer (R-Grants Pass). They maintain that the database is necessary to deter drug seekers and drug abusers.

The ACLU of Oregon led the effort to oppose this proposal because it treats all Oregonians as potential drug abusers, in an attempt to ferret out a small percentage of patients who are inappropriately seeking drugs. We believe that the database will violate the medical privacy of hundreds of thousands of Oregonians and the risks outweigh any possible benefits. Our private and personal medical information should not be the subject of surveillance by state government and accessed by thousands of pharmacists and health care providers across the state.

While a number of other states have similar databases, to date there has been no evidence-based evaluation that these databases successfully solve the problem as proponents claim.

Despite the six-year effort to pass this legislation, the Board of Pharmacy's failure to do the necessary foundational work was identified mid-session, exposing the significant weaknesses of this program, including the lack of security safeguards and a realistic budget and work plan.

For several years, we had been highlighting the potential security risks of pharmacy databases. These databases are particularly attractive for criminals because they put sensitive and valuable information about millions of individuals in one place. In April, the State of Virginia's prescription database was breached, exposing over 8 million Virginians to medical identity theft. Virginia sent out notices to over half a million Virginians alerting them to the data theft, and the database is still off line months later.

CONTINUED ON PAGE 10



Sen. Suzanne Bonamici listens while ACLU Lobby Day volunteers share concerns over pending legislation.

A GUIDE TO ACLU SCORECARD BILLS

Bill	Subject	ACLU Position	Outcome
SB 355	Creates government-operated pharmacy database to monitor lawful prescriptions of controlled substances in Oregon	Oppose	Passed; signed by Governor
SB 404	Repeals 1862 law holding plaintiff's attorney personally liable for litigation costs if client is out-of-state resident	Support	Passed; signed by Governor
SB 536	Prohibits Oregon from taking further steps to implement federal Real ID Act unless privacy safeguards and full federal funding are provided	Support	Passed; Gov. allowed to become law
SB 982*	Expands death penalty and gives fetus equal status as "human being" under Oregon law	Oppose	Failed
HB 2344	Greatly restricts criminal defense counsel's pre-trial access to state's evidence of visual depiction or audio recording of victim involving nudity or sexual activity	Oppose	Passed House; died in Senate Comm.
HB 3052*	Allows employer to terminate employee who is medical marijuana cardholder without any evidence of actual impairment on the job	Oppose	Failed
HB 3094	Limits public record access by allowing OHSU to exclude identity of primate center researchers on public documents	Oppose	Passed; signed by Governor
HJR 42*	Amends Oregon Constitution's free expression protection to allow local governments to regulate nude dancing	Oppose	Failed

* These votes occurred on procedural motions to withdraw the bills from committee.

Note: Votes marked with an "E" indicate the legislator was Excused; ACLU eliminates those instances when calculating a legislator's ACLU score.

REPRESENTATIVE	SB 355	SB 404	SB 536	HB 2344	HB 3052	HB 3094	HJR 42	ACLU %
ACLU Position	NO	YES	YES	NO	NO	NO	NO	
Bailey (D)	Y	E	E	Y	N	Y	N	40
Barker (D)	Y	Y	Y	Y	N	Y	N	57
Barnhart (D)	N	Y	Y	Y	N	Y	N	71
Barton (D)	Y	Y	Y	Y	Y	Y	N	43
Bentz (R)	Y	Y	Y	Y	Y	Y	Y	29
Berger (R)	Y	Y	Y	Y	Y	Y	Y	29
Beyer (D)	Y	Y	Y	Y	N	Y	Y	43
Boone (D)	N	Y	Y	Y	N	Y	N	71
Bruun (R)	Y	Y	N	Y	Y	Y	Y	14
Buckley (D)	Y	E	E	Y	E	N	N	50
Cameron (R)	Y	Y	N	Y	Y	Y	Y	14
Cannon (D)	N	E	E	N	N	Y	N	80
Clem (D)	Y	E	E	Y	N	Y	N	40
Cowan (D)	Y	Y	Y	Y	N	Y	N	57
Dembrow (D)	Y	Y	Y	Y	N	Y	N	57
Edwards, C (D)	N	Y	Y	Y	N	Y	N	71
Edwards, D (D)	Y	E	E	Y	N	Y	N	40
Esquivel (R)	Y	N	Y	Y	Y	Y	Y	14
Freeman (R)	Y	N	Y	Y	Y	Y	Y	14
Galizio (D)	N	E	E	N	N	N	E	100
Garrard (R)	Y	N	Y	Y	Y	Y	Y	14
Garrett (D)	N	Y	Y	N	N	Y	N	86
Gelser (D)	Y	Y	Y	Y	E	Y	N	50
Gilliam (R)	Y	N	Y	Y	Y	Y	Y	14
Gilman (R)	Y	Y	Y	Y	Y	Y	Y	29
Greenlick (D)	N	E	E	N	N	Y	N	80
Hanna (R)	Y	N	Y	Y	Y	Y	Y	14
Harker (D)	N	Y	Y	Y	Y	Y	N	57
Holvey (D)	N	E	E	Y	N	N	N	80
Huffman (R)	Y	Y	Y	Y	Y	Y	Y	29
Hunt (D)	Y	E	E	Y	N	Y	N	40
Jenson (R)	Y	E	E	Y	Y	Y	Y	0
Kahl (D)	N	Y	Y	Y	N	Y	Y	57
Kenemer (R)	Y	E	E	Y	Y	Y	Y	0

SENATOR	SB 355	SB 404	SB 536	SB 982	HB 3094	ACLU %
ACLU Position	NO	YES	YES	NO	NO	
Atkinson (R)	Y	Y	Y	Y	N	60
Bates (D)	Y	E	Y	N	Y	50
Bonamici (D)	N	Y	Y	N	N	100
Boquist (R)	Y	E	Y	A	E	33
Burdick (D)	N	Y	Y	N	Y	80
Carter (D)	N	Y	Y	N	Y	80
Courtney (D)	Y	Y	Y	N	Y	60
Devlin (D)	Y	Y	Y	N	Y	60
Dingfelder (D)	N	Y	Y	N	N	100
Ferrioli (R)	Y	Y	Y	Y	Y	40
George (R)	N	N	Y	Y	Y	40
Girod (R)	Y	N	Y	Y	Y	20
Hass (D)	Y	Y	Y	N	Y	60
Johnson (D)	Y	Y	Y	N	Y	60
Kruse (R)	Y	N	Y	Y	Y	20
Metsger (D)	N	Y	Y	N	N	100
Monnes Anderson (D)	Y	Y	Y	N	Y	60
Monroe (D)	Y	Y	Y	N	Y	60
Morrisette (D)	Y	Y	Y	N	Y	60
Morse (R)	N	Y	Y	Y	Y	60
Nelson (R)	Y	E	Y	Y	Y	25
Prozanski (D)	N	Y	Y	N	Y	80
Rosenbaum (D)	N	Y	Y	N	N	100
Schrader (D)	Y	Y	Y	N	Y	60
Starr (R)	Y	Y	Y	Y	Y	40
Telfer (R)	Y	Y	Y	Y	Y	40
Vergier (D)	Y	Y	Y	N	Y	60
Walker (D)	N	Y	Y	N	N	100
Whitsett (R)	Y	Y	Y	N	Y	60
Winters (R)	Y	Y	Y	Y	Y	40

Komp (D)	E	Y	Y	Y	Y	N	Y	Y	50
Kotek (D)	Y	E	E	Y	Y	N	Y	N	40
Krieger (R)	Y	Y	Y	Y	Y	Y	Y	Y	29
Matthews (D)	Y	Y	Y	Y	Y	N	Y	Y	43
Maurer (R)	Y	N	Y	Y	Y	Y	Y	Y	14
Nathanson (D)	Y	E	Y	Y	Y	N	Y	N	50
Nolan (D)	N	Y	Y	Y	N	N	N	N	100
Olson (R)	Y	Y	Y	Y	Y	Y	Y	E	33
Read (D)	Y	Y	Y	Y	E	N	Y	N	67
Richardson (R)	Y	E	E	Y	Y	Y	Y	Y	0
Riley (D)	N	Y	Y	Y	Y	N	Y	A	57
Roblan (D)	N	Y	Y	Y	E	N	Y	N	83
Schaufier (D)	Y	Y	Y	Y	Y	Y	Y	N	43
Shields (D)	Y	Y	Y	Y	Y	N	N	E	67
Smith, G (R)	Y	Y	Y	N	Y	Y	Y	Y	14
Smith, J (D)	Y	Y	Y	Y	Y	N	Y	N	57
Sprenger (R)	Y	Y	Y	Y	Y	Y	Y	Y	29
Stiegler (D)	Y	Y	Y	Y	Y	Y	Y	Y	29
Thatcher (R)	N	Y	N	N	E	Y	Y	Y	33
Thompson (R)	Y	E	E	Y	Y	Y	Y	Y	0
Tomei (D)	N	E	E	Y	Y	N	Y	N	60
VanOrman (D)	Y	Y	Y	Y	Y	Y	Y	Y	29
Weidner (R)	N	Y	Y	Y	Y	Y	E	Y	50
Whisnant (R)	Y	Y	N	Y	Y	Y	Y	Y	14
Wingard (R)	N	Y	N	Y	Y	Y	N	Y	43
Witt (D)	Y	Y	Y	Y	Y	N	Y	N	50

**This scorecard is available
as a PDF at
www.aclu-or.org**

Despite all of this, led by the efforts of Sen. Bates and Rep. Tina Kotek (D-Portland), SB 355 moved forward and was amended in the Ways & Means Subcommittee on Human Services. The amended bill turns the program over to the Department of Human Services, providing up to \$250,000 to do the foundational work over the next six months, authorizing the collection of a \$25 pharmacist and provider license fee *and most importantly, authorizing implementation of the database.* Since the planning work has yet to be done, we had urged legislators to wait until then to decide if the program should move forward. Instead, DHS only has to provide a fiscal progress report next February.

While some consumer protections were put in place in response to our concerns, other privacy problems remain. The final bill allows pharmacists and medical providers to run a report on *every single patient or customer.* This overreaching authority allows a pharmacist to access the database even if he or she is selling you eye drops, birth control or any other medication that is *not* a Schedule II, III or IV controlled substance.

SB 355 also gives discretion to DHS to decide when to allow the Oregon database to be accessed by other states with similar databases. Just like the proposed nationwide Real ID driver license database, the prescription database could become accessible to thousands of users across the country, none of them accountable to Oregonians.

As the Legislative Fiscal Office stated in its analysis, 60-80% of database breaches are internal. With thousands of pharmacists and providers (in Oregon alone) legally authorized to access patient reports (without any notification to the patient), this law will represent an invitation for inappropriate snooping and possible legal misuse. Medical identity theft is widespread, and it only takes a few bad apples for significant damage to be done.

There were a number of legislators who worked hard to stop SB 355 (see our Scorecard for how your legislator voted). We thank them all for their ongoing support to stop SB 355. ACLU will continue to monitor the planning and

implementation of the database by DHS and will raise our concerns again in February 2010.

LOSS: PASSED INTO LAW

Passed Senate: 20-10

Passed House: 42-17

☒ Scorecard Vote, see pages 8-9

WE ALSO WORKED ON THE FOLLOWING LEGISLATION, WHICH WE HAVE ORGANIZED BY ISSUE AREAS. AS IN EVERY SESSION, WE DEALT WITH A WIDE RANGE OF TOPICS.

FREE SPEECH

Amending Oregon Constitution (HJR 42)

The perennial attempt to weaken the Oregon Constitution's free expression provision (Article I, section 8) to allow local governments to restrict nude dancing once again was introduced this session. **HJR 42** sponsored by Rep. Scott Bruun (R-West Linn) and Sen. Richard Devlin (D-Tualatin) was given a hearing in the House Judiciary Committee. ACLU testified in opposition, objecting to any attempt to weaken the Oregon Constitution and limit Oregonians' free speech rights. We reminded the committee that Oregonians have rejected similar measures *three times in the last 15 years* at the ballot box. After a public hearing (and much media coverage), HJR 42 saw no further action in committee. However, near the end of session an unsuccessful motion was made on the House floor to withdraw the bill from committee.

WIN: FAILED ON HOUSE FLOOR

Passed House: 29-27

☒ Scorecard Vote, see pages 8-9

Public Records: Restricting Access (HB 3094)

The ACLU opposed **HB 3094** that extends a special exemption to the public records law for Oregon Health & Science University. That law allows OHSU to redact the name and home address of anyone conducting animal research. Oregon law already allows public employees in sensitive positions to remove references to their home addresses and phone numbers from public records. However, HB 3094 allows exclusion of even the identity of researchers or the companies that provide research animals to OHSU.

ACLU testified against HB 3094 because it is important for the news media and public interest groups to be able to examine public records. Here, the public has a right to know whether the research done with taxpayer funds by a public institution is in compliance with federal standards aimed at avoiding animal abuse in research experiments. In the past, it has only been through public record requests from watchdog organizations and the news media that animal care deficiencies have been brought to light, which resulted in needed reforms at OHSU.

Despite citing concerns about the safety of its researchers as the reason for this law, OHSU continues to post not only the names of many researchers on its website, but also their



Photo by Bryan Brenneman, Creative Commons license

photographs. Posting photographs and the names of individuals who may be targeted seems contradictory to the argument that having names provided on public records creates a public safety risk. OHSU gave legislators copies of its log of public records requests over the past few years. The log shows that every request by groups associated with animal rights advocates was significantly delayed and the records were redacted. The same log shows that there was no such delay or redaction when OHSU responded to requests from media outlets. Oregon's public records law does not distinguish between media and non-media requests. OHSU appears to be choosing to use its special exemption in the public records law to withhold information from their critics.

Because there was significant objection to HB 3094 in the Senate, a compromise version of the bill was passed, extending the law for only two more years during which time a workgroup will be convened to address its inconsistent application of this law.

LOSS: PASSED INTO LAW

Passed House: 53-6

Passed Senate: 23-6

✓ Scorecard Vote, see pages 8-9

REPRODUCTIVE FREEDOM & DEATH PENALTY **Expanding Aggravated Murder Statute (SB 982, HB 3505)**

Normally, reproductive rights and death penalty issues do not intersect, but *at the very end of session*, they did. SB 982 and HB 3505 were introduced in response to the horrendous murder that occurred in Beaverton resulting in the death of a pregnant woman and the stillbirth of the fetus. ACLU opposed both proposals.

SB 982 redefined "human being" in Oregon law to include an "unborn child" at any stage of fetal development and expanded the aggravated murder statute, subjecting the defendant to a possible death sentence. ACLU opposed defining "human being" to include a fetus at any stage of development because it would grant the fetus with constitutional rights equal to the pregnant woman. We also opposed expanding application of the death penalty. Led by Sen. Bruce Starr (R-Hillsboro), the chief sponsor, there was an unsuccessful motion on the Senate floor to withdraw the bill from committee for an immediate vote.

WIN: FAILED ON SENATE FLOOR

Failed in Senate: 10-19

✓ Scorecard Vote, see pages 8-9

HB 3505 was introduced by a bipartisan group of legislators. It expanded the aggravated murder statute to include the murder of a pregnant woman if the defendant knew that the victim was pregnant, but did not redefine the definition of "human being." HB 3505 was amended to remove the death penalty provision. Instead, the final version elevates the penalty for the crime of killing a pregnant woman to life in prison without the possibility of parole, unless the jury finds mitigating evidence that justifies a lesser sentence

of 30 years.

ACLU was the lone opposition to the final version of HB 3505 (our pro-choice coalition partners supported it) because it enhances the sentence of killing a pregnant woman, alone, without any additional result, such as a stillbirth or miscarriage. Murdering anyone is a heinous crime, but we believe that the severity of punishment should not be based solely on the fact that the victim was pregnant. The proponents emphasized the vulnerable nature of a pregnant woman but there are many in our society who are vulnerable who are not covered by this law. Because the consideration of HB 3505 occurred so late and so quickly, most legislators were not aware of our opposition. Rep. Mitch Greenlick (D-Portland) was the lone "no" vote and echoed our concerns.

PARTIAL LOSS/PARTIAL WIN (NO DEATH PENALTY EXPANSION)

Passed House: 59-1

Passed Senate: 30-0

CRIMINAL JUSTICE

Defense Counsel Access to Evidence (HB 2344)

HB 2344, introduced by Rep. Sara Gelser (D-Corvallis) on behalf of former Attorney General Hardy Myers and the Attorney General's Sexual Assault Task Force, would have significantly restricted criminal defense counsel access to evidence used by the prosecutor in a criminal proceeding if that evidence depicts the victim in any state of nudity or engaged in sexual activity. Currently, prosecutors and defense counsel have access to copies of all discovery material. HB 2344 would have limited access to the defense and allowed review only at a government facility. Such a law would greatly restrict the ability of both defense counsel and defense experts to review evidence and prepare the client's defense independent of the prosecution.

ACLU opposed HB 2344 because there was no evidence that there had been any wrongful dissemination of this evidence by defense counsel. We agree with the proponents that this evidence is extremely sensitive and must be handled carefully by everyone involved, including law enforcement,

CONTINUED ON PAGE 12



Maria Di Miceli discusses privacy concerns with Rep. Nancy Nathanson during Lobby Day.

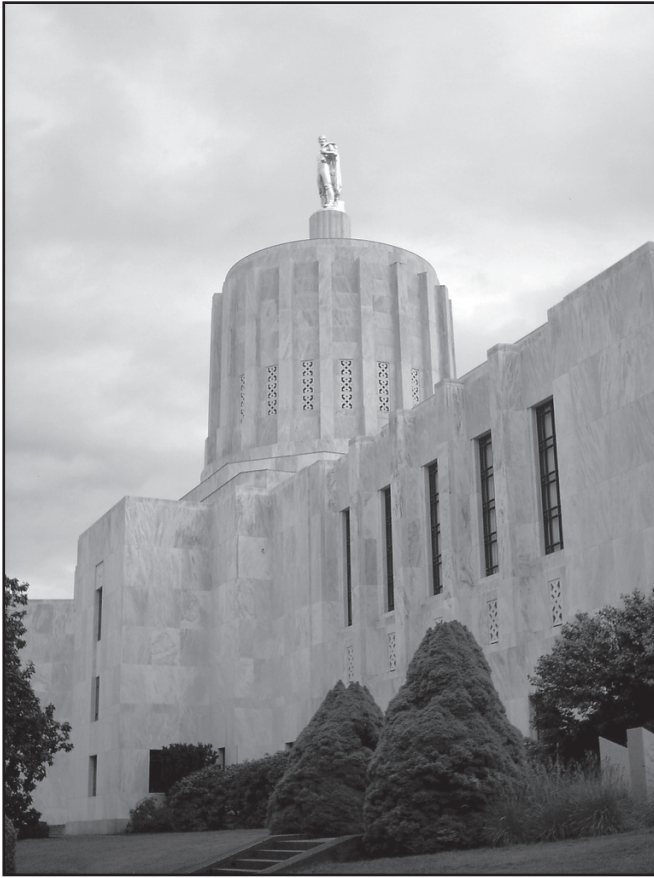


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prosecutors, defense counsel and the courts. Oregon law already allows the prosecutor to seek a protective order when providing copies to defense counsel restricting any further copying or dissemination.

ACLU supported an amendment that would have made such orders mandatory in all cases involving this type of evidence. Unfortunately, the proponents did not support that approach. HB 2344 passed the House 52-5. While many more representatives expressed concern with the bill, most of them voted for it on the understanding that it would be amended when it got to the Senate. Unfortunately, the parties still could not agree and the bill died in committee.

WIN: BILL DIED IN SENATE COMMITTEE

Passed House: 52-5

☒ *Scorecard Vote, see pages 8-9*

Invasion of Personal Privacy (HB 2477)

HB 2477 was introduced by Rep. John Huffman (R-The Dalles) and would have amended current Oregon law that makes it a crime to photograph a person in a state of nudity without that person's consent. When the law was originally enacted in 1997, it was intended to prosecute individuals who had set up cameras in tanning booths or bathrooms.

In part responding to a court decision about the definitions in the law, HB 2477 would have also elevated the crime to a felony and mandatory lifetime sex offender registration. ACLU opposed HB 2477 in its original form because we

were concerned about the overbroad application of this law having such an enhanced penalty. With the widespread use of cell phones that can be used to take photographs, this law now covers many more situations than it originally contemplated. It is not hard to imagine that college students who share living space in dorms could violate this law in spur-of-the-moment behavior. While such action is already a crime subject to prosecution, making it a felony subject to lifetime sex offender registration may not be appropriate.

Fortunately, the bill was amended removing the felony and sex offender registration provisions but keeping some changes to the law which we did not oppose.

WIN: AMENDED TO ADDRESS ACLU OBJECTIONS

PRIVACY

Criminal History Background Checks for Employment & Licensing (HB 2442)

Beginning in the 1990s, the Oregon legislature began authorizing FBI fingerprint criminal history checks for school teachers. Over the years, this authority has expanded greatly to include most state agencies that grant licenses or hire employees in "sensitive" positions. In 2005, ACLU worked on omnibus legislation which included new uniform safeguards and due process protections for all persons subject to FBI background checks and maintained the requirement that the fingerprints be destroyed after the check is completed.

One important safeguard is that state law generally prohibits a state agency from automatically denying employment or licensing merely because of a prior conviction of a crime. Instead, it requires an evaluation that considers the nexus between the particular crime and the type of employment or state license sought, as well as when the crime occurred and consideration of other mitigating evidence submitted by the applicant.

Despite passage of the 2005 legislation, this session brought more than a dozen new "fingerprint" proposals. ACLU testified on most of these bills, successfully obtaining amendments to clarify or qualify the expanded authority being sought.

Sponsored by Rep. Sara Gelser (D-Corvallis), **HB 2442** dealt with many issues related to the state's role in caring for vulnerable Oregonians in nursing homes, foster care facilities and in-home health care. While most of HB 2442 did not raise civil liberties issues, two sections did.

The first would have authorized the Department of Human Services, which oversees the FBI criminal history checks on individuals who work in these facilities, to retain the actual fingerprint cards if the individual authorizes it. While this provision was intended to address the problem of multiple FBI criminal history checks over the years, we strongly opposed it. We have fought hard to ensure the FBI and other government agencies not retain the fingerprints of individuals who have never committed a crime, even if that retention is "voluntary."

The other provision we opposed was the creation of a

CONTINUED ON PAGE 13

list of crimes that would automatically disqualify individuals from employment. While ACLU agrees that most of the crimes listed in HB 2442 are those for which the person would likely never be eligible for employment, we have and will continue to oppose an approach that eliminates the possibility of exceptions being made for individuals who have fully reformed from their past behavior.

With Rep. Gelser's support, we were successful in removing the provision on fingerprint retention. However, the list of crimes barring employment, although more limited, was retained in the final bill. It then passed both the House and Senate.

**PARTIAL WIN: RETENTION PROVISION
REMOVED BUT MANDATORY CRIMES
RETAINED**

Toll Bridges (HB 3409, SB 580)

While ACLU does not have a position on the use of tolls to pay for bridges and highways, we are concerned when toll collection systems are put in place that could be used for surveillance. Oregon and Washington are considering eliminating the option of paying for tolls in cash on the planned I-5 bridge between Vancouver and Portland. They may require all travelers to pay with "smart cards" or other electronic devices for toll payments. While we did not take a position on either **HB 3409** or **SB 580**, we alerted legislators to our concerns. We are now working on this issue with the ACLU of Washington as plans for the new I-5 toll bridge move forward.

DRUG POLICY

Medical Marijuana Discrimination (HB 2497, HB 2881, HB 3052)

As we anticipated, a number of bills were introduced to allow employers to terminate an employee who is a medical marijuana cardholder without any evidence of actual impairment on the

job. The ACLU opposed **HB 2497**, **HB 2881** and **HB 3052** because in one form or another they included this type of power for employers. The Oregon Medical Marijuana Act permits the use of marijuana to ease the symptoms of some debilitating medical conditions without the harmful side effects of available prescription medications. Many medical marijuana patients are able to control their symptoms and continue to work without any impairment on the job.

A person who is impaired in the workplace can already be sanctioned, whether the impairment is caused by lawful or unlawful drugs, alcohol or some other reason. Employers whose employees operate high-risk equipment should use performance tests each day to determine if employees can operate machinery safely. But targeting only marijuana and not other medications, unfairly targets medical marijuana patients, rather than addressing workplace safety.

The House Business and Labor Committee held a public hearing on these proposals and ultimately all the proposals died in committee. Late in session, there was an unsuccessful motion on the House floor to withdraw HB 3052 from committee for immediate consideration.

**WIN: HB 3052 FAILED ON HOUSE FLOOR;
OTHERS DIED IN COMMITTEE
House Vote: 29-29**

☒ Scorecard Vote, see pages 8-9

**Because of space limitations, this
report cannot cover all the work we
did. Please check out our website,
www.aclu-or.org to read more.**

Why Do You Support the ACLU?

Because I believe that all citizens of the United States are entitled to their constitutional rights, no matter what they are accused of, or how unpopular their opinions may be. Since a democracy governed by the rule of the majority will not naturally defend the rights of the minority, the ACLU has an important place in our society as an organization with the courage to fight unpopular battles in order to protect its ultimate client, the Bill of Rights.

Emily Garber
ACLU of Oregon summer legal intern



Emily Garber

IN THE CHAPTERS

MEMBERS GATHER FOR FESTIVALS, PARADES

For the most current information on upcoming chapter meetings and events, please visit the Get Involved section of our website: www.aclu-or.org.

LANE COUNTY CHAPTER

The Lane County Chapter board began the year with a board retreat at which members mapped out a plan for their work for the year. The recent addition of board member Andy Gottesman, a retired teacher, offers the board new connections to School District 4J and other Lane County schools to promote the Lane County student essay contest.

The chapter hosted a booth at the Creswell July 4th Celebration as part of the chapter's commitment to reach members outside the Eugene/Springfield area. In May the chapter board served as host to the statewide ACLU of Oregon membership meeting in Eugene. The meeting featured a panel made up of State Sen. Floyd Prozanski, Rep. Paul Holvey and ACLU of Oregon Legislative Director Andrea Meyer.

As this newsletter goes to press the chapter is planning its Eugene Celebration Parade entry, themed "You Have the Right to Remain Strange." The chapter will host a booth at the celebration's Community Causeway.

To celebrate Banned Books Week this year, the chapter is organizing read-outs at the Eugene Public Library from noon to 4 p.m. Saturday, Sept. 26, and at the Springfield Public Library from 1 p.m. to 3 p.m. Saturday, Oct. 3. Readers will include Eugene Mayor Kitty Piercy.

BENTON-LINN CHAPTER

The Benton-Linn Chapter will host a booth at the Corvallis Fall Festival on Sept. 26 and Sept. 27. The booth will feature a display about banned books and information on the campaign to end indefinite detention and on knowing your rights when dealing with law enforcement. This event is a great way for new members and volunteers to support their local chapter. If you are interested in helping out at the booth, please contact Field Organizer Claire Syrett at csyrett@aclu-or.org.

The chapter is collaborating with Oregon State University students and the Associated Students of OSU Office of Legal Advocacy to develop a peer-to-peer workshop to teach students their basic rights when dealing with police. The students hope this workshop can be duplicated on campuses throughout Oregon.

The chapter is monitoring the progress of a proposal by the Corvallis School Board to implement random drug dog sniff searches on school property. ACLU of Oregon Legal Director Chin See Ming sent the school superintendent a letter expressing concern about the proposal at the end of the last school year.

Save the date: The Benton-Linn Chapter Annual Membership Meeting is scheduled for Nov. 19, with the location and program still to be announced.

SOUTHERN OREGON CHAPTER

The Southern Oregon Chapter has been busy recruiting new board members and volunteers to help with several projects. Working with ACLU of Oregon Legal Director Chin See Ming, the chapter is involved with an investigation of the Jackson County Jail and monitoring other developing issues.

The departure of board members who have moved out of the area opened up an opportunity for the board to appoint Latgawa tribal member Rick Red Hawk Davis of Central Point to a board seat and invite Medford Public Defender Justin Rosas to run for a seat in the chapter's upcoming election. That election will be held by mail.

Members will receive their ballots in late September, with results to be announced at the annual membership meeting from 2 p.m. to 4 p.m. Oct. 25 at the Ashland Public Library. The program will focus on police practices, including the use of Tasers. The chapter will invite several local law enforcement officials to engage in a discussion with members on these issues.

FROM THE FIELD

In August 2008, David Fidanque and Claire Syrett met with ACLU of Oregon members in Central Oregon to ask their assistance in launching a Central Oregon Action Network. The idea was to create and support an informal network of ACLU members and supporters in Bend and surrounding communities.

These members would track emerging local issues and help educate their community on state and national campaigns. While our network has not developed as quickly as we originally hoped, our work in Central Oregon has helped us create new relationships and increase awareness of our work protecting civil liberties.

Our presence at Central Oregon Pride Day this year put us in contact with two very active high school students who are planning to re-establish Mountain View High School's Gay/Straight Alliance student club and want to work on other ACLU-related projects as well. Syrett met with these students in mid-August along with the coordinator for the Central Oregon Human Dignity Coalition to brainstorm ideas on how to increase our collaboration across the mountains.

Syrett also met with Greg Delgado, the Latino Community Coordinator with Central Oregon Jobs with Justice, and attended a Know Your Rights training he gave in Prineville. Syrett provided Spanish-language versions of ACLU's Know Your Rights booklet as well as ACLU of Oregon's wallet cards for the training.

We will continue to build on these new relationships and look forward to engaging more Central Oregon members in our Action Network. If you live in Deschutes or Crook counties and wish to get involved in our emerging network, please contact Claire Syrett at csyrett@aclu-or.org.

LEGACY CHALLENGE ENDS...

BUT YOU CAN STILL SUPPORT CIVIL LIBERTIES THROUGH ESTATE PLAN

The ACLU has seen a huge increase in the number of planned gifts in the past five years. Much of that can be attributed to Robert W. Wilson's funding of two Legacy Challenges in which he offered to match planned gifts with present-day gifts.

The first round of the Legacy Challenge ran from January 2005 to December 2006, with another round running from June 2007 to May 2009. Since 2005, the ACLU has identified and procured more than \$213 million in planned gifts. Of those, more than \$17.1 million are from Oregon.

Although the incentive provided by the Legacy Challenge is no longer in place, you can take steps to assure that your support of the ACLU and the defense of civil liberties continues after you are no longer able to make gifts of support personally.

You have a variety of ways in which you can provide support through a planned gift: include the ACLU in your will,

name the ACLU as a beneficiary on your Individual Retirement Account (IRA), or purchase a charitable gift annuity that provides you with annual income for life while allowing for some tax benefits. If you would like more information about how you can make a gift that will have an impact beyond your life, you can contact James K. Phelps, Development Director, at (503) 227-3186 or jphelps@aclu-or.org.

Please consider joining the other 152 DeSilver Society members in Oregon who have taken the extraordinary step of providing for the ACLU through their estate plans.

HONORARY AND MEMORIAL GIFTS

The ACLU has received gifts in memory or in honor of the following individuals:

In memory of Dave Barnhart
Leslie Hunter

In honor of Marc Blackman
Janet Lee Hoffman

In honor of Greg Gorchels
Timothy Haag

In memory of Ray Guggenheim
Fran Storrs

In memory of James Klonoski
David & Jan Inouye
Dennis Shine & Kate Wallace
University of Oregon Foundation

In memory of Pat Knopf
Lou Ashworth

In memory of William McLennan
Ernest Bonyhadi &
Shirley Gittelsohn
Eleanor Davis
Marilyn Deering
Tammy Gardner & Tom Del Salvio
Robert & Cecelia Huntington
Mike Katz
Paul & Alice Meyer
Fred Roy Neal III
Verne Newcomb
Northwest Housing Alternatives
Laurens & Judith Ruben
Anne Squier
Richard Weil
Robert & Margaret Weil

**In honor of
Nada & Galen McPherson**
Brent & Sharon Dalrymple

In honor of Paul Meyer
Verne & Jean Newcomb

In memory of F. Roy Neal
Clyde & Jerri Doctor
Fred Roy Neal III

**In honor & in memory
of Susan Roseler**
Kurt Roseler

In honor of Gordon H.S. Scott
Ellen Scott

**In memory of
Mary Betty Underwood**
The Pennell Family

We would like to thank all of the donors who choose to honor somebody while supporting civil liberties. To make a gift in honor or in memory, contact James Phelps, Development Director, at 503-227-3186 or jphelps@aclu-or.org or visit our website at www.aclu-or.org.

SAVE THE DATE

ANNUAL DINNER WILL FEATURE KATE CLINTON

Don't miss the ACLU Foundation of Oregon Dinner on **Saturday, March 6**, at the Portland Hilton.

The ACLU Foundation of Oregon is thrilled to feature humorist, writer, actress, political commentator and activist Kate Clinton as our keynote speaker this year. Please join us for our annual celebration of the ACLU and the work we do throughout Oregon to protect and advance civil liberties and rights.

Tickets are available online at www.aclu-or.org/dinner.

If you have any questions or if you are interested in sponsoring or hosting a table at the event, please contact Development Associate Evyn Mitchell at emitchell@aclu-or.org or (503) 227-3186.



CALL FOR AWARD NOMINATIONS

DO YOU KNOW SOMEONE WHO HAS TAKEN A STAND FOR CIVIL LIBERTIES?

Each year at the ACLU Foundation of Oregon Dinner, the ACLU presents awards to Oregonians who have made extraordinary commitments to civil liberties or civil rights. These individuals are usually selected by a group of previous winners, but this year we would like your input.

Please contact Evyn Mitchell at emitchell@aclu-or.org or (503) 227-3186 if you wish to nominate someone for one of the following awards:

- The E.B. MacNaughton Civil Liberties Award recognizes an individual or group who, by particular deed or long record of service, has made outstanding contributions to civil liberties or civil rights.

- The Stevie Remington Award recognizes an individual or group who, by significant personal sacrifice, contributes to the advancement of civil liberties or civil rights for everyone.
- The Civil Liberties Award honors individuals who have made a significant contribution to civil liberties.

Please let us know if you believe that an individual or group in your community has taken a stand to protect our civil liberties or civil rights and deserves to be honored by the ACLU of Oregon.