



ACLU

OREGON NEWS

AMERICAN CIVIL LIBERTIES UNION
of OREGON

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ACLU FINDS CHALLENGES, OPPORTUNITIES IN SALEM

ACLU LOBBY DAY: MARCH 5

As you read this story, please consider joining our ACLU of Oregon Lobby Day on Thursday, March 5, at the Capitol in Salem. We need your help to lobby legislators on our key issues. While ACLU Legislative Director Andrea Meyer lobbies the Legislature every day, it's important for state legislators to meet ACLU members who live in their district. We have more than tripled our membership in Oregon since 2001 — let's make our presence felt. You can sign up on our website or by calling Pooja Bhatt in our Portland office (503-227-3186) or Claire Syrett in our Eugene office (541-345-6162).

The 2009 Oregon legislature began Jan. 12 and will be dominated by the difficult business of balancing the state budget in a down economy, but there will be some important opportunities for advancing ACLU's priorities, as well as a lot of bad bills we'll be trying to stop.

In the first few weeks, we are already tracking more than 250 bills. The good news is that included in this list are several proposals that have been introduced on behalf of the ACLU, including bills that would:

- Stop Oregon from taking further steps to implement Real ID;
- Prohibit the use of personal data from scanning the barcode of driver licenses without consent;
- Expand Oregon's DNA innocence law to require long-term retention of biological evidence that contains DNA.

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Jim Hightower

JIM HIGHTOWER TO SPEAK AT MARCH 14 DINNER

Jim Hightower, America's most popular populist, will speak at the ACLU Foundation of Oregon's dinner on March 14. Hightower is a storied Texan with a long history of writing and agitating on behalf of consumers, working families, small businesses, the environment and unions. His latest book, *Swim Against the*

Current: Even a Dead Fish Can Go with the Flow,

cowritten with Susan DeMarco, celebrates people who are changing their lives and making a difference.

For details on the March 14 Dinner, Civil Liberty Awards, and an interview with Jim Hightower, see page 3

FROM THE EXECUTIVE DIRECTOR THE TIMES THEY ARE A-CHANGIN', BUT THERE'S MUCH MORE TO BE DONE



David Fidanque

I assume that you had many of the same feelings I did on Inauguration Day, watching President Obama take the oath of office and loving every minute of the TV coverage. I haven't felt as proud of the United States since I was 11 years old and watched John F. Kennedy

becoming president.

The first couple of weeks of the Obama presidency have brought some very important changes:

- The decision to close Guantanamo within one year;
- The executive orders banning torture and the practice of "extraordinary rendition" and closing the CIA and Defense Department secret prisons overseas;
- Ordering a review of the military commission process and attempting to put current detainee hearings on hold;
- Removing the "gag" order on international family planning agencies;
- The passage and signing of the Lilly Ledbetter Fair Pay Act.

All of these are tremendously important moves that made a clean break with the failed and unconstitutional policies of the Bush administration.

But tempering our excitement and appreciation for these early moves is the knowledge that there is so much more that still needs to be done. I know — and you know — that eight years of disastrous policies, executive orders and laws can't be reversed in just a few weeks. The momentum of the last eight years will not be reversed so easily.

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**AMERICAN CIVIL LIBERTIES UNION
of OREGON**

FROM THE EXECUTIVE DIRECTOR, CONTINUED...

Just before this newsletter went to press we were faced with two examples of the difficulty of turning around the ship of state.

The first instance was the case of Brandon Mayfield's challenge of key provisions of the USA Patriot Act. The 9th Circuit U.S. Court of Appeals heard oral arguments on Feb. 5 at Portland's historic Pioneer Courthouse. You'll recall that Mayfield was arrested in the spring of 2004, suspected of involvement in the Madrid train bombings because the FBI misidentified some latent fingerprints found near the scene.

Prior to Mayfield's arrest, he and his family were subjected to secret surveillance of his home and law office that had been authorized by the Foreign Intelligence Surveillance Court under two provisions of the Patriot Act. Eventually, after the Spanish National Police correctly linked the Madrid fingerprints to another suspect, the FBI admitted its mistake and released Mayfield.

Later, Mayfield and his attorneys, Elden Rosenthal of Portland, Gerry Spence of Wyoming and Michelle Longo Eder of Newport, filed suit against the U.S. government seeking damages and challenging the constitutionality of the secret surveillance prior to his false arrest. Eventually, the U.S. Justice Department agreed to settle the damages portion of the case for \$2 million. However, Mayfield insisted as a condition of the settlement that his constitutional challenge of the Patriot Act be allowed to continue.

In 2007, U.S. District Judge Ann Aiken ruled in Mayfield's favor and concluded that both sections of the Patriot Act violate the Fourth Amendment's protection against unreasonable searches and seizure. The Justice Department appealed to the 9th Circuit, and briefs were filed in the case in 2008.

Fast forward to this year and President Bush has been replaced by President Obama. As a U.S. senator and as a presidential candidate, Barack Obama had been a strong critic of the Patriot Act. Nevertheless, you wouldn't know based on the Justice Department's oral arguments on Feb. 5 that President Bush had left office. They continued to argue that the Patriot Act is constitutional — and that Brandon Mayfield has no legal standing to challenge the Act.

The second instance occurred on the eve of the Mayfield arguments, when two British High Court judges refused to release summaries related to the suspected torture of a British victim of the CIA's rendition program. The judges said they were refusing to release material from the British court's proceedings because U.S. officials threatened to suspend intelligence cooperation with Britain if the material were released.

Unfortunately, the U.S. State Department reacted to the decision with a written statement thanking "the U.K. government for its continued commitment to protect sensitive national security information."

ACLU Executive Director Anthony Romero immediately sent a letter to Secretary of State Hillary Clinton urging her to repudiate the written statement and reverse the U.S. position with the British High Court so that the truth of the Bush administration's secret kidnapping and torture program could see the light of day.

Are these two instances merely examples of Bush administration momentum that President Obama and his cabinet have yet to reverse? Or are they indications that President Obama will not be following through on some of his important promises during his campaign?

I hope it's the former and not the latter. But I also know that with other higher priorities on the president's agenda — especially reviving the economy and reforming health care — ACLU has to remain vigilant and better organized than we have ever been to keep up the pressure to restore the liberties that were lost during the extremely long Bush years.

Thanks again for all your support and for the help you will continue to provide in the coming months to help make the promise of change a reality for the U.S. — and the world.

YOU'RE INVITED TO OUR ANNUAL DINNER

Saturday, March 14, 2009
Portland Marriott Downtown Waterfront
Ballroom Level
1401 SW Naito Parkway
Portland, OR

Please join the ACLU Foundation of Oregon to celebrate our accomplishments over the last year at our 2009 Foundation Dinner.

This event will feature America's #1 Populist, Jim Hightower, and the presentation of our 2009 Civil Liberties Award.

Please register online at www.aclu-or.org or call Evyn Mitchell at 503-552-2109. Tickets are \$125 for the general reception and dinner or \$200 for the hosted reception with Jim Hightower and dinner. Please contact Evyn for sponsorship or table host information.

Seating at this event is limited; please register to attend today!

The event is sponsored in part by:

Ayers Creek Farm



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Ransom Blackman
Design for Change

Would you like to advertise in our dinner program? Contact Evyn Mitchell at emitchell@aclu-or.org for more information.

JIM HIGHTOWER SPEAKS

We spoke with Jim Hightower on the day after President Obama's inauguration about his perspective on current events.

ACLU: How would you describe the state of civil liberties in our country?

Jim Hightower: Disastrous, thanks to eight solid years of assault on the wisdom of the founders and the heroic efforts of ordinary people through organizations like the ACLU to extend the work of the founders.

On your website, you quote Lily Tomlin as saying, "No matter how cynical you get, it's almost impossible to keep up." What can Congress and the Obama administration do to show that government is working for all Americans, not just special interests?

Obama started that yesterday with his inaugural address. The biggest applause lines in the address were about civil liberties and restoring America's credibility abroad. It's not by accident that those lines were in there. Obama has been a defender of those civil liberties, and he hears the voices of the people who have been mightily outraged about what has happened to our basic values. It can begin with a reversal of as many

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ACLU AWARDS TO HONOR LAWYERS, STAFF, FOR AIDING GUANTANAMO DETAINEES

The Civil Liberties Award is given by the ACLU of Oregon to individuals who have made a significant contribution to civil liberties.

This year, the Oregon ACLU will be honoring a group of Oregon lawyers and key staff who have made an extraordinary commitment to represent individuals detained by the U.S. government in Guantanamo Bay, Cuba.

Several attorneys in private law firms and many individuals at the Oregon Federal Public Defender's Office have taken on the difficult task of providing legal representation to Guantanamo detainees. Each legal team has devoted hundreds of hours and spent thousands of dollars in travel and other expenses to work against government roadblocks that prevent detainees from receiving effective counsel.

The ACLU was among the organizations urging President Obama to shut down the Guantanamo Bay detention facility, to restore the rule of law for the detainees held there, and to end the practice of extraordinary rendition.

Recipients of the 2009 Civil Liberties Awards are:

OREGON FEDERAL PUBLIC DEFENDER'S OFFICE

Amy Baggio
Martín Caballero
Bruce Daily
Lynn Deffebach
Jill Dozark
Patrick Ehlers
Maia Godet
Don Grant
Ruben L. Iñiguez
Bryan E. Lessley
Mitzi Miller
Toni Pisani
Lisa Powell
Stephen R. Sady
Rod Saiki
Christopher J. Schatz

Sandra Showard
Janan Stoll
Michelle Sweet
William Teesdale
Steven T. Wax

PERKINS COIE

Paul Fortino
Thomas R. Johnson
Cody M. Weston

GARVEY SCHUBERT BARER

Samuel C. Kauffman
Robert C. Weaver

SCHWABE WILLIAMSON & WYATT

Jan K. Kitchel



OPPORTUNITIES IN SALEM, CONTINUED...

The bad news is that the majority of the bills so far would diminish civil liberties protections — from the erosion of privacy protections, to limiting free speech, creating new crimes, limiting Oregon's public records law, and implementing Real ID. Below is a summary of the major proposals.

PRIVACY

The ACLU of Oregon will be taking the lead to promote the responsible uses of technology that enhance privacy and freedom while opposing those that undermine civil liberties and move us closer to a surveillance society. The ability to track, monitor and database all sorts of activities is becoming increasingly popular as the technology to do so becomes more readily available. We have introduced legislation that will guarantee privacy safeguards, and we are opposing legislation that expands the government's power to monitor the lawful activities of individuals.

SB 355 – BOARD OF PHARMACY DATABASE OF PRESCRIPTION DRUGS

For the fourth session in a row, the Board of Pharmacy is seeking the authority to create a database of our lawful prescription drugs. In the past, the proposal had been limited to Controlled Substances, Schedules II, III & IV. That list included most prescription pain and codeine-based products as well as other drugs including Xanax, Ambien and Ritalin. Last session, the board testified that their proposal would track 2 million to 5 million prescriptions per year in Oregon.

Rather than narrowing the proposal this year, SB 355, sponsored by Sens. Bill Morrisette (D-Springfield), Jeff Kruse (R-Roseburg) and Alan Bates (D-Ashland), would allow the board to database and monitor *any drug* the board determines has a "documented potential" for abuse. That could include any prescription drug, including those not scheduled as Controlled Substances, that are reportedly being abused. Last session, this proposal passed the Senate with only nine "No" votes. At the end of session, it passed out of the House Health Care Committee, which recognized some of our concerns and, over the objection of the proponents, it went to the Ways & Means Committee, where it was not funded and died.

We strongly oppose SB 355 because it would invade the privacy of hundreds of thousands of Oregonians who have done nothing wrong. While proponents argue the database is needed to deter abuse by a relatively small number of drug-seeking patients, in actuality, the database will treat all Oregonians as potential drug-seeking abusers. Decisions made in consultation with a physician, including medications, should not be monitored or second-guessed by the government. It's simply none of the government's business.

The Board of Pharmacy wants to collect this personal information but continues to come up short in recognizing the need for security safeguards. According to the Privacy Rights

A pharmacy database would invade the privacy of hundreds of thousands of Oregonians who have done nothing wrong.

Clearinghouse website, there is an average of one database security breach a day across this country through on-line, email, data transmission, hacking, compromised passwords, stolen equipment and illegitimate use. In addition to data breaches, there's also human error that enters the equation when we are dealing with such large quantities of data about hundreds of thousands of individuals, which may result in a person being wrongfully denied a necessary prescription.

It's important to note that the inadequate federal grant attached to this proposal comes not from the U.S. Department of Health and Human Services but rather from the U.S. Department of Justice, the law-enforcement arm of the federal government. The proponents have argued that a federal grant of \$300,000 for a two-year period is sufficient to cover the creation and continued operation of this database. Passing a law creating a database of personal and sensitive medical information while providing virtually no resources for privacy and security safeguards is a recipe for disaster. Last year, Washington state appropriated \$1 million for just one year to enact a similar law. At the beginning of this year, Washington suspended the program because of the state's budget crisis. In 2007, the Legislature's fiscal office stated: "The Board's fiscal impact is premised on the \$300,000 of federal grants funding it has received rather than a clearly articulated plan (and associated budget) detailing how the data will be acquired, validated, managed, stored, secured, and analyzed."

ACLU needs your help in opposing SB 355. Please call your state senator and express your opposition to this bill. As noted above, the bill passed the Senate easily in 2007 and this year, in addition to the SB 355, there is also a House version (HB 2515), which was recently introduced. Our briefing paper on this issue is at www.aclu-or.org.

SB 128 – REAL ID IS A REAL NIGHTMARE IN OREGON

ACLU has been vigorously opposing Real ID in Oregon and across the country. Real ID, passed by Congress in 2005 with no debate, would create a national identification card. The law requires states to scan and store all identity documents necessary to obtain or renew an Oregon driver's license or identification card (this would include Social Security card, birth certificate, passport) and make those documents available to all DMVs across the country in one massive database.

We are optimistic that Congress will take action to repeal Real ID this year and replace it with the rulemaking process that had been under way with all the stakeholders (including ACLU) to consider more appropriate ways to make licenses secure. When Janet Napolitano, the new director of the Department of Homeland Security, was the governor of Arizona, she signed a state law prohibiting Arizona from implementing Real ID. Eleven states have passed similar laws, including Washington, Idaho and Montana, and another 10 have passed resolutions urging Congress to revisit the issue.

Despite the bipartisan momentum across the country to oppose Real ID, Gov. Kulongoski has introduced legislation to complete implementation of the Real ID in Oregon. DMV estimates the price tag would be \$10 million for Oregon to comply. We believe it will cost more, but even that amount will have a significant effect on our budget at a time when critical services are being cut.

Not only do we want to stop SB 128, ACLU wants to go one step further: We are supporting legislation that would prohibit Oregon from taking further steps to implement Real ID. Please check our website for the bill number. It's time for Oregon to join the movement across the country to put an end to Real ID.

HB 2317 – ACLU'S PROPOSAL TO PROTECT DRIVER LICENSE DATA

Introduced at our request, HB 2317 would prohibit the scanning of personal data from the barcode on a state-issued driver licenses or identification cards. Bars and other businesses are beginning to use scanners to electronically read the data on a driver's license to verify age. However, the bar code on the back of current licenses includes all the information on the front of a card except the photograph. While still allowing the use of this data for purposes of age verification or for other purposes if the cardholder's consent is given, HB 2317 will prevent the further use and databasing of driver and ID card information without the cardholder's knowledge.

HB 2120 – GPS-BASED ROAD USE MILEAGE TAX

Promoted by Gov. Kulongoski, this proposal is a comprehensive transportation package and would, among many other things, begin to implement the concept of collecting gas taxes based on the number of miles driven in Oregon by vehicles rather than the amount of fuel used. This new taxing system would require the use of GPS technology that has the ability to track the location of a person's driving. The bill also proposes a pilot program to develop a "congestion-based" mileage tax, allowing the state to charge more depending on when and where a car is driven.

Oregon won't be able to fully implement such a miles driven tax until and unless car manufacturers agree to install the necessary GPS equipment in all new vehicles. In order for that to occur, other states and possibly the federal government would have to agree to use such systems.

While Oregon transportation officials want such a system to be incapable of recording the exact location of drivers, Oregon won't be able to control such a system. Since GPS technology is also capable of contemporaneous tracking of vehicles, we are deeply concerned about Oregon committing to a system that may lack important privacy safeguards.

We are also concerned that drivers won't have a way to challenge the accuracy of the miles charged. The plan is to pay this tax at the pump, similar to the current system. But the difference is that currently the consumer knows how much the gas will cost prior to filling up the tank. Under this system, the miles will be read at the pump and a person will be expected

to pay at that time.

What if the data is wrong? Is the consumer required to pay at the time and try to get an adjustment later? If a person drives extensive miles in Oregon but fills up a number of times in Washington state, the result would be that the next time that he or she fills up in Oregon the cost may be significantly higher based on the accumulation of Oregon miles. This could put a real strain financially on many Oregonians who live paycheck to paycheck. We will continue to ask questions and raise concerns about how this technology can be used.

CONSTITUTIONAL AMENDMENTS FREE SPEECH AND SEARCH AND SEIZURE

It wouldn't be a legislative session without proposals to refer constitutional amendments to voters. Already a bill has been introduced to amend Article I, section 8 to permit zoning restrictions on adult businesses based on the content of the expression that takes place in those businesses (SJR 5). A separate proposal would weaken free speech protections to allow restrictions on campaign contributions and expenditures (SJR 6). There is also a bill to refer an amendment to Article I, section 9 our search and seizure provision to allow for drunk driving roadblocks (SJR 7). We have long opposed these and similar proposals because they would weaken or repeal fundamental freedoms guaranteed in the Oregon Bill of Rights.

CRIMINAL JUSTICE & REPRODUCTIVE FREEDOM SB 310 – DNA RETENTION LAW

After many sessions, we now have a permanent Oregon DNA innocence law. ACLU of Oregon has introduced SB 310 to establish consistent practices and policies by local and state agencies to guarantee the long-term retention of biological evidence. The technology for analyzing even minute traces of DNA has been advancing quickly, but it is expected to improve further in the future. Without such long-term retention policies, the ability to invoke the DNA innocence law years after conviction would be limited if not impossible.

HB 2102 – DEATH OF THE "UNBORN"

This is another proposal that has been proposed in previous sessions and would expand criminal homicide to include causing the death of an "unborn child." We strongly oppose any law that would recognize life as beginning at conception.

HB 2103 – DNA OF ARRESTEES

This bill would require law enforcement to take DNA samples of all persons *arrested* for a felony. We oppose collection of DNA from people who have not been convicted (without a court order) because it is a government search that should first require probable cause, and it discloses highly personal medical information not only about the individual but also his or her blood relatives. While we don't expect either this

proposal or HB 2102 (above) to attract much support, HB 2103 has already had a public hearing in House Judiciary, where we testified in opposition.

DRUG POLICY

HB 2497 & SB 426 –

MEDICAL MARIJUANA DISCRIMINATION

Legislation has been introduced that would allow employers to discriminate against medical marijuana cardholders simply because they are marijuana patients. ACLU opposes legislation allowing employers to terminate an employee unless there is evidence of actual impairment on the job. A person who is actually impaired at work (from lawful or unlawful drugs, alcohol, emotional distress or any other reason) can already be sanctioned. Employers who have high-risk equipment should have performance testing in place to determine each day whether an employee is able to safely operate that machinery. But a drug test, usually done by urinalysis, can take days to get results and will not determine if someone was actually impaired on the job. Such tests may detect residual components of legally ingested marijuana that may remain in the system up to 30 days that cause no impairment, and

they can miss more dangerous drugs, such as cocaine, that did cause impairment.

TAKING ACTION

Important civil liberties issues are debated daily in the State Capitol. Legislation is moving forward that will protect as well as harm civil liberties in Oregon. We will be there every day, but we need your help. When ACLU members take the time to let their state senator and representative know that they care about an issue by sending a letter, an e-mail or even a phone call, it strengthens our message and our ability to effect positive change in Oregon.

Please:

Sign up for our March 5 Lobby Day: www.aclu-or.org

Sign up for our action alerts: www.aclu-or.org

Contact your state senator and representative throughout the session to urge them to support ACLU's positions on legislation. You can keep up to date on legislation affecting civil liberties and read more detailed information in our briefing papers on our website.

COLUMBIA COUNTY JUDGE PREVENTS ANTI-IMMIGRANT LAW FROM TAKING EFFECT

Columbia County Circuit Court Judge Ted Grove issued a preliminary injunction Jan. 30 that prevented an anti-immigrant ballot measure from taking effect Feb. 2.

Measure 5-190, approved by Columbia County voters in November, was challenged in court by a coalition of Columbia County business owners and voters who are represented by lawyers for the ACLU of Oregon and Northwest Workers' Justice Project. The measure would fine employers up to \$10,000 for hiring or employing undocumented immigrants, and threatens the loss of business licenses for employers who knowingly hire illegal immigrants. Even Columbia County Counsel Sarah Hanson issued a public statement saying the measure has "numerous legal flaws and ... [is] unlikely to survive a legal challenge." Similar measures in Hazelton, Pa.; Farmers Branch, Texas; Escondido, Calif.; and other jurisdictions already have been struck down.

The ACLU/NWJP legal challenge contends that Measure 5-190 is legally flawed in three ways: It exceeds the powers of Columbia County as granted by the state of Oregon; it violates the single subject requirement of the Oregon Constitution for all initiatives; and it is preempted by existing state laws and regulations.

The coalition we represent includes Rural Organizing Project, Columbia County Citizens for Human Dignity, Columbia County business owner and resident Gary Liao, CAUSA Immigrant Rights Coalition and others.

The measure was proposed by a building contractor,

Wayne Mayo, who said he modeled the measure on Arizona's Legal Worker Act. While that law has passed some court scrutiny, it still faces continued legal challenges regarding its constitutionality. Mayo's law also relies on E-Verify, a federal database designed to check employees' names against Social Security records. That database has proven to be very flawed and ineffective. One transposed digit or misspelled name could flag longtime citizens as "illegal."

Throughout the ACLU's 89-year history, we have worked to ensure that the rights to liberty and due process are available to all people in the United States — citizens and non-citizens alike. The Bill of Rights and the U.S. Constitution protect all persons and do not distinguish among people based on their nationalities or citizenship status. ACLU strongly believes that the American people must not allow our frustrations with a flawed federal immigration policy to undermine our core values of fairness and equal justice.

The attorneys handling the case for the ACLU of Oregon are Cooperating Attorneys **Bruce L. Campbell** and **Elisa J. Dozono**, both of Miller Nash LLP; and Chin See Ming, Legal Director for the ACLU of Oregon. Co-counsels on the case are D. Michael Dale, Steve Goldberg and Meg Heaton for the Northwest Workers' Justice Project and Steven Manning of the Immigrant Law Group.

The lawsuit asks the court to declare Measure 5-150 invalid and award reasonable attorneys' fees and costs.

OREGON CENSORSHIP LAW UPHELD

We were very disappointed that U.S. District Judge Michael Mosman ruled against us in December in our legal challenge of a 2007 state law that puts booksellers, grandparents, individuals and non-profits at risk of criminal prosecution in Oregon for providing legitimate literature, art and sex education materials to minors if the material contains sexually explicit content. We have appealed Judge Mosman's ruling to the 9th Circuit U.S. Court of Appeals.

While the standards that federal courts have applied to determine the constitutionality of laws that restrict the furnishing of sexually explicit material to minors are relatively straightforward, the state made this case extremely complicated. We believe the Oregon law falls far short of the standards required by the First Amendment, and we're optimistic we'll prevail on appeal.

ACLU volunteer cooperating attorney **P.K. Runkles-Pearson** of the Portland law firm Stoel Rives LLP and Media Coalition attorneys Michael Bamberger and Rachel Balaban of the New York law firm of Sonnenschein Nath & Rosenthal LLP represented a coalition of retailers, non-profits and individuals in the trial court.

Plaintiffs in the case include: Powell's Books; Annie Bloom's Books; Dark Horse Comics Inc.; American Booksellers Foundation for Free Expression; Association of American Publishers; Freedom to Read Foundation; Comic Book Legal Defense Fund; Candace Morgan (librarian and grandmother); Planned Parenthood of the Columbia/Willamette;

Cascade AIDS Project; and the ACLU of Oregon.

We maintain that the two Oregon laws at issue in the lawsuit are overbroad and give too much discretion to police and prosecutors to charge individuals, retailers and non-profits with serious crimes and create a chilling effect on such defendants to avoid materials that may not "serve some purpose other than titillation."

Among the materials we submitted to Judge Mosman for his consideration in the case were books such as:

- "It's Perfectly Normal," by Robie Harris, a sex education book designed for children who have not yet reached puberty;
- The novels "Forever" by Judy Blume and "After the Night" by Linda Howard; and
- Sex education materials used by young peer educators in the programs of Planned Parenthood of the Columbia Willamette and Cascade AIDS Project.

Unfortunately, Judge Mosman flew past the details of that material and the context of how it is provided and concluded that there was not a "substantial" amount of protected material that would be criminalized under the new laws.

ACLU and Media Coalition attorneys strongly believe the judge's analysis is incorrect, and all plaintiffs have filed notices of appeal in the 9th Circuit. Copies of the briefs in the case and Judge Mosman's opinion are available on the ACLU of Oregon website at: <http://www.aclu-or.org/powellsbooks>.

Why Do You Support the ACLU?

I volunteer for and support the ACLU because the ACLU is one of the greatest champions our nation has for those at risk of losing their voice and their rights. Both my membership in the ACLU and my choice of vocation are informed by a quote attributed to Pastor Martin Niemoeller, a victim of Nazi Germany and an advocate for justice and peace.

Niemoeller's quote reads:

"In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist;
And then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist;
And then they came for the Jews, and I didn't speak up because I wasn't a Jew;
And then they came for me . . . And by that time there was no one left to speak up."

Niemoeller's statement is a faith statement for me and it is a call to action. I am proud to support the ACLU and to join others in speaking up!



Ryan Lambert

Ryan Lambert

Benton-Linn Chapter board member,
United Church of Christ pastor

PARENTS CHALLENGE THREE BOOKS IN OREGON SCHOOLS

The ACLU of Oregon has responded to three separate book challenges in Oregon schools this school year. In each case, parents of middle- or high-school age students have asked that particular books be removed from the school library or curriculum. With the assistance of Cooperating Attorney **David Petersen** of Tonkon Torp LLP, the ACLU has investigated the challenges and provided each school board with letters outlining the ACLU's concerns and recommendations.

In Halsey, a mother refused to return a cartoon book, *The Book of Bunny Suicides*, to the Central Linn School District's high school library. Her middle-school age son had taken the book from the library. The mother said the book's subject matter is inappropriate for school-age children.

In Sherwood High School, the ninth-grade honors English class was assigned to read and discuss the book *Grendel*, by John Gardner. Some parents objected to the violence portrayed in this novel, which is the story of *Beowulf* told through the eyes of the monster. It is important to note that the Sherwood English program had alternative books and lesson plans for students who did not want to read *Grendel*.

Finally, Sherman Alexie's recent semi-autobiography, *The Absolutely True Diary of a Part-Time Indian*, was removed from the Crook County School District's ninth-grade English class after a parent brought his objections directly to the school board. The parent has been quoted as saying the book is inappropriate for anyone to read.

Each of school districts has a review policy for such challenges. Parents and community members do have a right to lodge complaints about reading materials in their schools and to have those complaints taken seriously. Once a complaint was filed, each school began the review process outlined by that district's policies.

The ACLU's letters asked each school board to consider the following:

- To find a book offensive is quite subjective. Many "classic" works of literature have been challenged for similar reasons. Everything from Maurice Sendak's *In*

the Night Kitchen to William Shakespeare's *Hamlet* has been challenged at one time or another. If school officials were to remove every book that contains material someone finds offensive, there would be no excellent literature left to teach to our children.

- Removing a book may be unconstitutional. Schools are not required to include any book in its library or curriculum. However, a decision to *remove* a book from the curriculum or the library because it presents disfavored ideas would violate the First Amendment. In a case involving the removal of allegedly "offensive" books from a school library, the Supreme Court said, "Our Constitution does not permit the official suppression of ideas." Further, the court has stated, "The First Amendment ... does not tolerate laws that cast a pall of orthodoxy over the classroom."
- Schools can take parents' sensibilities into account. However, use of any parental consent requirement must be done with care, because imposing such requirements can have the effect of stigmatizing a student's choice to read the book in question. This stigma may be a sufficient burden to make the permission requirement unconstitutional.
- "Opt-out" options are better than "opt-in" requirements. The default assumption should be that a student has the right to read a book on the syllabus or in the library unless the parent asks that the student be excused from reading that book.

We're pleased to report that both the Central Linn School Board and Sherwood School Board accepted the decisions of their respective review committees and voted to keep the challenged books. The review committee in the Crook County School District recommended keeping the book in the curriculum, but the school board has asked the school superintendent to review and rewrite the policies. The challenged book will remain banned until that policy review is completed.

Why Do You Support the ACLU?

By dedicating itself to the Constitution instead of to a movement or political issue, the ACLU is able to support a broad number of concerns as well as all the people who need them. Whether the person who contacts us is a Democrat or a Republican, a citizen or an immigrant, a criminal or a saint, we do our best to protect their liberties.

Ryan Gersovitz

intake volunteer in the Portland ACLU office



Ryan Gersovitz

ACLU PROTECTS FREE SPEECH RIGHTS OF PROTESTER ON CAPITOL STEPS

The ACLU of Oregon intervened in December on behalf of a protester on the state Capitol steps whose constitutional right to free speech was being squelched by the rigid enforcement of vague state “policy.”

Since early November 2008, Michele Darr had been staging a round-the-clock anti-war protest on the Capitol steps in Salem, calling for an end to the Oregon National Guard’s role in the Iraq war.

On at least two occasions, Darr was arrested and charged with criminal trespass. The charges stemmed from a vague — and vaguely enforced — state policy that appears to give the legislative administrator at the state Capitol some discretion in prohibiting use of the Capitol steps between the hours of 11 p.m. and 7 a.m.

In the past — routinely since 2000 — the state has allowed participants in a 24-hour Salem Bible Reading Marathon to use the steps. Darr’s protest is no different in that it did not cause harm to any person or property and did not disrupt public access.

Following the arrests, the ACLU of Oregon intervened on Darr’s behalf, sending a letter to the Marion County district attorney and to Scott A. Burgess, Legislative Administrator. The letter outlined the ACLU’s belief that the criminal charges resulted in several constitutional violations, namely:

- Violations of sections 8, 20 and 26 of Article 1 of the Oregon Constitution, which protect Darr’s right to pro-

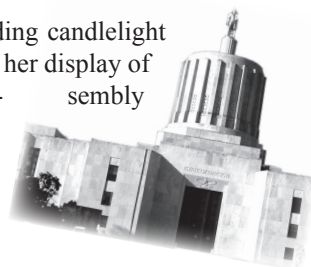
test on the Capitol steps, including candlelight vigils, her 40-day hunger strike, her display of political signs, her right to assembly and her right to petition the governor for redress; and

- Violations of the First and Fourteenth Amendments of the U.S. Constitution, based on selective enforcement where she is being charged with a crime while carrying out activities others have been allowed to do for many years.

“The State cannot allow those expressing favored views to access the Capitol steps and then suddenly discover a ‘policy’ and decide to ‘reaffirm’ and enforce it in a manner which denies access to others,” the letter said.

Following receipt of the ACLU letter, the district attorney dropped all charges against Darr. At this writing, the state has amended its policy to specifically close the Capitol steps for all purposes after 11 p.m. each evening unless the Legislature is in session. For now, it is unclear whether and how the state may enforce its latest policy against Darr. The ACLU will continue to monitor any enforcement actions against Darr since she has resumed her round-the-clock protest.

ACLU Cooperating Attorneys on the case are **Michael E. Swaim** of Michael E. Swaim P.C., and **Timothy R. Volpert** and **David W. Blasher** of Davis Wright Tremaine LLP.



PORTLAND POLICE BUREAU’S SECRET LIST CHALLENGED

In January, ACLU of Oregon Cooperating Attorney **Elden Rosenthal** was in charge of questioning Portland Police Lt. Jeff Myers and others in Multnomah County Circuit Court about a crime-reducing program that operates with a secret list.

The program, the Neighborhood Livability Crime Enforcement Program (NLCEP), was designed to get people with the highest arrest records for livability crimes in the downtown and Old Town parts of Portland into social service programs that would, hopefully, break those individuals’ cycles of recidivism.

When information about NLCEP and its secret list of repeat offenders first became public in the spring of 2008, the ACLU of Oregon raised concerns. What we learned was that the list of 35 people with the greatest number of arrests had grown into a list of more than 350.

The list grew exponentially once the city allowed the drug-free exclusion zones to sunset. The list was based on arrests, not convictions. There was no notice to anyone who was placed on the list, and there was no process for being removed from the list.

Especially troubling is the fact that people on the NLCEP list, when arrested for certain crimes, are charged with felonies even though people not on the list would be charged with a misdemeanor for the same behavior. Particularly frustrating has been the lack of transparency by the Portland Police

Bureau and the city regarding legitimate questions about this crime enforcement strategy.

To force the police to reveal more information about the program, the ACLU teamed with the Metropolitan Public Defenders and Multnomah Public Defenders to participate in their challenge of the program. The public defenders each represent individuals who have been charged with felonies rather than misdemeanors because they appear on the NLCEP secret list. These defendants filed motions to have their charges dismissed arguing that the NLCEP list is unconstitutional. ACLU Cooperating Attorney Rosenthal’s examination in court shed light on a program that, up to now, had operated outside of public view. In late February, the ACLU will file a legal brief with the court, and another hearing is likely. We hope that the judge will issue a decision within a few weeks after the court proceedings have concluded.

The ACLU does not object to programs that seek to bring social services, such as drug treatment, mental health treatment and housing, to people who need it. We do object to charging people with felonies to get access to such services and we object to any program that is governed by a secret list without due process protections for the individuals that are targeted. When the government treats people more harshly because of decisions made in secret, there is no check against abuse of power. Our constitution guarantees due process and equal protections for all.

MEET THE NOMINEES FOR STATE BOARD

We would like to welcome the nominees for the ACLU of Oregon's Board of Directors. There are 11 at-large positions to be filled in 2009.

Eight positions are for full, three-year terms. There are some unexpired term vacancies to fill, therefore two positions are for two-year terms and one position is for a one-year term. Ballots will be mailed to all current statewide members in early April and are due in the Portland office no later than 5 p.m. on May 4.

Additional nominees may be made by petition of any 10 members. 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. on March 23.

In addition, we would like to thank outgoing board members **Janet Bennett**, **Jeanne Goodrich** and **Kris Olson** for their long-time service and dedication to the ACLU of Oregon.

THREE-YEAR TERM NOMINEES



Val Aitchison (Portland)

Attorney/Mediator in private practice. Current Secretary of the Board and member of the Executive Committee. I would continue to be a very committed member of the Board and would work to maintain the fiscal health of the ACLU in Oregon.



Jim Curtis (Portland)

Currently: ACLU intake volunteer, utility consultant and member of the OSB Criminal Law section. Formerly: financial and business services manager; Chair of the OSB Quality of Life Committee; board member for Better People, an organization seeking to place former offenders in living wage jobs; board member and volunteer for the Western Prison Project and the Partnership for Safety and Justice, an advocacy group for victims, offenders and the families of both; and board member for The Gabriels Inc.



Merry Demarest (Corvallis)

Community organizer with more than 30 years of progressive activism, including leadership on state and local campaigns to defeat anti-choice and anti-gay initiatives. Founding chair of Basic Rights Oregon. National, regional, state and local positions with the National Organization for Women (NOW) since 1971. My ACLU experience includes nine years on the Oregon Board (President 2002-2004, Vice President Legislative 2001-2002 and Secretary 1999-2000). I have served nearly continuously on the development committee and currently serve as Oregon co-chair of the Nationwide Campaign: Leading Freedom Forward.



Kevin Díaz (Portland)

Kevin Díaz was born in Peru and raised in Oregon. Mr. Díaz is currently a staff attorney at the Northwest Justice Project. In his spare time he serves on the board of the Oregon Hispanic Bar Association. Last year Gov. Kulongoski appointed him to the Law Enforcement Contacts Policy and Data Review Committee.



Cary Jackson (Portland)

Business and real estate investor. Current ACLU Board member.

I believe it is more important than ever to support the ACLU with time and money in an era when civil liberties have been assaulted on all fronts. I am particularly concerned regarding the issues of privacy, abortion rights, treatment of ethnic minorities, the "Patriot Act," constraints on publicly protesting and the gradual erosion with regard to access to the courts system.



Ingrid Swenson (Portland)

I am a career public defender in California and Oregon state courts. For the past 20 years I have also worked in the Oregon Legislature in a number of capacities: as a legislative aide, as counsel to the Senate Judiciary Committee and as a lobbyist. In all of those roles I have had the good fortune to work with ACLU representatives and to benefit from their advocacy in behalf of many common causes. I also served for a number of years as a member of the steering committee of the Oregon Rainbow Coalition.



Cathy Travis (Portland)

Adjunct Professor, Lewis & Clark Law School. ACLU Board member and former Board President and National Board Representative. I currently serve as Vice President for Education, Co-Chair of Development Committee and member of Budget Committee.



Steven Wilker (Portland)

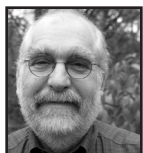
Steven is an attorney who focuses his practice on complex commercial litigation and advising clients on issues involving intellectual property, media, energy, finance, securities, corporate governance and real estate. He is a member of the ACLU of Oregon Lawyers Committee and is an ACLU volunteer cooperating attorney.

TWO-YEAR TERM NOMINEES



Steven Green (Salem)

Steven K. Green joined the Willamette Law School faculty in August 2001, after serving for nine years as general counsel and director of policy for Americans United for Separation of Church and State, a national public interest organization in Washington, D.C., that concentrates on First Amendment issues. Professor Green has extensive litigation and appellate experience in First Amendment law involving issues such as school prayer, public funding of religious institutions, public religious displays, religious discrimination, religious free exercise and freedom of speech.



Robert Melnick (Eugene)

A resident of Oregon since 1982, I teach landscape architecture and historic preservation at the University of Oregon. I am the former dean of the U of O School of Architecture and

Allied Arts. I currently serve as Vice Chair of the Board of the Oregon Council for the Humanities and have been active in other community events and some political campaigns. I would be honored to serve on the board of the ACLU of Oregon.

ONE-YEAR TERM NOMINEE



Patricia L. Norris (Portland)

I am a member and supporter of the ACLU. I am a physician with a medical practice in Portland. I received my Bachelor of Arts degree from the University of Oregon, Master's of Arts degree from Lewis & Clark College, Bachelor of Sciences degree from Portland State University and Medical Degree from the Oregon Health & Sciences University. I have experience in clinical and basic science research as well as medical education. I have recently worked in Central America and Africa doing humanitarian work.

JIM HIGHTOWER SPEAKS, CONTINUED...

of the Bush-Cheney outrages as he can do by executive action, and then, for the rest of it, push reversals in Congress and ultimately, of course, appoint federal judges and prosecutors who are on the side of the people and on the side of our liberties.

How do you rate Obama's chances for doing that?

I can't yet. I have hope. I think he's a very practical guy who wants to take actions that really work, and he seems to be assembling people who would not necessarily be my choice in those jobs but who certainly have the expertise and the skills to be able to put Obama's agenda of change into place. His inaugural speech was not one of his floweriest ones; it seemed pragmatic and the work of somebody who really wants to get down to business. The significant thing about the Obama phenomenon has never been about Obama; it has been about the phenomenon. People have been demanding real change, and he seems to me to be open to that. He said again and again that "I am not the change; you are." He's tapping into the Netroots Nation and using all the technology to try to empower citizen voices. We'll see what happens when those voices go after him — and they will.

How does having an African American president change the conversation about civil rights, and what still needs to be done?

This is not the final exclamation point on the long, historic struggle for civil rights, but it is certainly a symbolic step to celebrate. I think that's what we saw at the inauguration: millions of people turning out in Washington, in the country and around the world to wallow in the moment. And that's a positive. Now is not the time on any issue to

crank back in the La-Z-Boy and think Obama will do it for us now. Rather, we the people have got to be vigilant, active and aggressive, especially now, because that possibility of change is there. We haven't had that in the last 30 to 40 years, maybe going back to Johnson, and of course he wrecked it with Vietnam. We haven't had a president who was willing to put his political capital on the line for important things and for ordinary people rather than for Wall Street and corporate interests. This is a once-in-a-lifetime opportunity, and we have to test it to the max, push harder than we ever have and expect positive responses.

We will be presenting our Civil Liberties Award to 26 Oregon lawyers and key staff who have represented individuals detained by the U.S. government at Guantanamo Bay. How can the United States restore its moral standing in the aftermath of torture and rendition?

It's going to take a while and a concerted effort of not just shutting down Guantanamo and publicly rejecting torture, but a whole-of-government approach and the involvement of the civil society, the people, groups, churches, unions, all the non-government, non-corporate forces that can have an impact with words and actions.

**Read the full interview with
Jim Hightower at:
www.aclu-or.org/hightower**

VOLUNTEER REPORT

VOLUNTEERS CONTRIBUTE HUNDREDS OF HOURS

ACLU volunteers were active and visible throughout 2008. There were 1,491 hours of work logged by non-attorney, non-board member volunteers during the fiscal year.

Volunteers did four times as much tabling than during the previous year, with 50 volunteers working for 237 hours at events in and around Portland, Corvallis, Eugene, Central Oregon and Southern Oregon. Events included Portland farmers' markets and street fairs, Pride festivals, the Eugene Celebration and the Corvallis Fall Festival. Nearly 400 people signed up for E-Alerts as a result of the tabling, and volunteers reported many good conversations on such topics as Real ID, FISA, the Oregon pharmacy database and other hot topics.

We also recruited and used more volunteers under the age of 35. A youth outreach group was created to help guide expanded outreach, and MySpace and Facebook pages were set up to help reach younger supporters.

Four new request counselors were recruited and trained. All litigation intake volunteers will receive regular trainings, and new volunteer orientations are scheduled every two months.

Two interns — one in Eugene and another in Portland — are assisting staff with preparations for Lobby Day. They are busy recruiting volunteers, encouraging member participation and scheduling appointments with legislators.

The annual total of volunteer hours does not include the unpaid work of chapter members, board members, cooperating attorneys or committee members, which are not currently tracked.

ACLU OF OREGON FIELD REPORT

ACLU JOINS CELEBRATION OF HUMAN RIGHTS DECLARATION



Claire Syrett, Southern District Field Organizer

This past December 10 marked the 60th anniversary of the signing of the Universal Declaration of Human Rights (UDHR). The declaration, issued by the United Nations General Assembly in 1948, is considered by many to be the founding document of the modern human rights movement.

Here in the United States, ACLU's Human Rights Project promoted the anniversary nationally and, closer to home, the ACLU of Oregon joined the Eugene-based Community Coalition for Advancement of Human Rights in hosting a celebration at Cesar Chavez Elementary School.

Building upon the theme that "human rights start at home," the coalition brought together more than 25 local groups that work to promote civil rights, environmental justice, economic rights and the rights of indigenous people. The 250 people who attended learned how the UDHR addresses each of the pieces that together form the whole of what is meant by human rights. The program featured speakers, including Eugene Mayor Kitty Piercy, live music and a "World Café" during which audience members engaged in small group discussions and shared ideas about local human rights needs and solutions. The coalition plans to build on this momentum with a human rights summit in the spring.

The ACLU of Oregon information table featured a display showing how our work protecting the Bill of Rights relates to specific articles of the declaration.

For example, Article 3 of the UDHR states "*Everyone has the right to life, liberty and security of person*" which correlates to our Fourth Amendment guarantee that "*the right of people to be secure in their persons and house against unreasonable search and seizure shall not be violated...*"

UDHR Articles 18, 19 and 20 grant that "*Everyone has the right to freedom of thought, conscience and religion ... Everyone has the right to freedom of opinion and expression ... Everyone has the right to freedom of peaceful assembly and association.*" These provisions are direct reflections of our First Amendment guarantees of freedom of religion, speech, press, and association.

The U.S. Constitution and in particular the Bill of Rights were obvious models when the United Nations drafted its declaration asserting fundamental rights for all persons. In some respects, the UDHR offers a challenge to traditional civil liberties advocates in that it does not distinguish between political or civil rights and economic, social and cultural rights. However, ACLU's Human Rights Project is leveraging the power of the UDHR to bring more attention to human rights that fit ACLU's core mission here in the U.S.

ACLU has submitted reports and testified before United Nations commissions responsible for monitoring the United States' compliance with certain international treaties including the UDHR. For example, the Human Rights Project has successfully used the platform provided by the United Nations to highlight the U.S. government's failure to address the immediate crisis following Hurricane Katrina as well as the continuing crisis of racial discrimination in our country.

More than just words on paper, the Universal Declaration offers activists a tool for advancing human rights in our own communities. It is up to us to make the best use of this visionary treaty in order to help protect civil liberties and civil rights here in Oregon.

Learn more about the Universal Declaration of Human Rights at: www.udhr60.org.

EUGENE STUDENT NAMED STATEWIDE YOUTH ACTIVIST

Leah Reis-Dennis, a senior at South Eugene High School, is the ACLU of Oregon's statewide winner in the nationwide ACLU Student Activist Scholarship Program. She now competes against other state winners vying to be among 16 students chosen nationwide to each receive a \$12,500 scholarship.

The contest honors high school seniors who have demonstrated a strong commitment to civil liberties. Reis-Dennis was chosen for her outstanding work in the area of reproductive rights. Her involvement includes an intern position with Planned Parenthood of Southwestern Oregon and that organization's Youth Action Council.

Reis-Dennis also worked on a pilot project in New York called the Adolescent Health Care Communication Project and as a peer educator with South Eugene High School's AIDS and Substance Abuse Prevention Program. A writer for *The Register Guard's* "20 Below" section, Reis-Dennis is a front-page writer and blogger for "Amplify your Voice," a website created by Advocates for Youth.

In her application essay, Reis-Dennis wrote: "(A)s a young person, I take my civil liberties seriously. I want to grow up with the ability, even with the encouragement, to speak out freely and boldly about issues of importance to me."

She added, "As I move toward college I will continue to defend civil liberties that can often be overlooked, especially those connected to the health and basic rights of young women."

In addition to her many volunteer activities, Reis-Dennis is a part of South Eugene High School's French Immersion Program and is very active in the high school's theater and music departments.

Reis-Dennis is decisive about her career plans: "I hope to continue work in the reproductive rights sphere and as a community, civic or national leader. My ultimate career goal is to be the CEO of Planned Parenthood Federation of America."



Leah Reis-Dennis

Shannon Kilduff, Youth Advocacy Coordinator for Planned Parenthood of Southwestern Oregon, has no doubt Reis-Dennis will accomplish just that.

"I believe that this dream is very real for her, and I have no hesitation in saying that at 17 years old she is capable of creating a path for herself that will make this dream come true," Kilduff said.

Reis-Dennis is the daughter of Elizabeth Reis and Matthew Dennis.

For more information about the contest, visit www.aclu.org/standup/

VOLUNTEER PROFILE FOCUS ON YOUTH AND YOUNG ADULTS INSPIRES VOLUNTEER

Stasia Brownell is one of many volunteers who share with the ACLU of Oregon their enthusiasm, commitment to civil liberties and unique talents to make our work possible.

Brownell's work involves copywriting, event planning and marketing for utilities' voluntary green pricing programs for 3Degrees, a company that helps customers fund clean energy and carbon reduction programs. While she finds it fun and fulfilling, she's glad to be volunteering with what she calls her favorite social justice organization.

Brownell, who grew up in Oregon, has a hard time pinpointing exactly when the ACLU became especially important to her. She admires the holistic approach that the ACLU takes on social justice issues: "I've always been passionate about justice, and that's what the ACLU is about. It's the most consistent, effective and reputable organization, and it's 'one-stop shopping' for all the issues I really care about."

Brownell has volunteered in many ways. She has staffed ACLU information tables at various community events to educate people about our work, has served on a committee to help plan the annual fundraising dinner, and in June attended the ACLU Annual Membership Conference in Washington, D.C. Though she found the conference inspirational and exciting, it also made her realize that the ACLU needs to increase its involvement with youth.

"Youth have been at the forefront of every movement; it's important that the ACLU mobilizes them in the continued fight for basic rights," Brownell said.

This fall, she joined the ACLU of Oregon Youth Outreach Committee, founded to develop new ways of engaging the next generation of civil liberties activists.

Brownell sees many opportunities to expand ACLU's visibility among people under 35 and educate them about important issues. Social networking sites such as MySpace and Facebook are an important tool for this outreach. She set up the ACLU of Oregon group on Facebook, has recruited many to join and has started online discussions about Guantanamo and the ACLU's recommendations for President Obama's first 100 days.

Brownell's energy and passion for the ACLU is inspiring and contagious. Through the many projects that she works on with the ACLU, she does it all with a great sense of humor and creativity that our affiliate is fortunate to enjoy.



Stasia Brownell

IN THE CHAPTERS

CHAPTERS FOCUS ON HIGH SCHOOL OUTREACH, OTHER PROJECTS

Members of ACLU chapters in Oregon have been busy with outreach to high schools, recruitment of volunteers and many other activities.

BENTON-LINN

The Benton-Linn chapter held its annual membership meeting Nov. 19 in Corvallis. ACLU of Oregon Legislative Director Andrea Meyer provided a sneak preview of the 2009 legislative session in Salem.

After the meeting, the chapter announced its nominees for the board and held a vote-by-mail election. New board member and newly minted attorney Beth Crawford will join returning board members Ryan Lambert, Martha Brookes and John Huyck, who were re-elected for two-year terms. The board selected Lambert and Nell O'Malley as co-chairs at its January meeting. The board will meet from 7:30-9 p.m. March 19 at the OSU Humanities Center, 811 SW Jefferson Ave., Corvallis. Members are encouraged and welcome to attend.

In January, ACLU of Oregon Field Organizer Claire Syrett visited a classroom at Crescent Valley High School in Corvallis. The high school seniors watched and engaged in discussion about the Freedom Files short film *Youth Speak Out*, which tells the stories of young people who have stood up for their rights in the face of discrimination and indifference. The Corvallis students were concerned about military recruiters on campus and random locker and backpack searches.

SOUTHERN OREGON

The Southern Oregon chapter held its annual Membership meeting Oct. 19 at the Ashland Library. Rep. Sal Esquivel and challenger Lynn Howe were invited to debate Ballot Measure 58, which proposed limits on English as a second language instruction. Esquivel did not respond to the

chapter's invitation, but Howe attended the meeting and spoke against Measure 58, which also was opposed by the ACLU of Oregon. Chapter Board member Steve Ryan provided an update on chapter projects and facilitated a dialogue with members about ongoing issues in the community.

The chapter held its board election via mail-in ballot for the first time, and the response from members was encouraging. Three new board members were elected to serve: Paul Moss, George Sexton and Kristin Stankiewicz. Stankiewicz, an attorney and public defender, has volunteered to help create an ACLU of Oregon Know Your Rights training aimed at students interacting with law enforcement.

The chapter has recruited volunteers for various projects, including a review of the use-of-force practices of the Medford Police Department. Volunteers from Grants Pass, Jacksonville and Central Point have been busy reviewing a year's worth of the department's police reports involving the use of force. The data being gathered by these volunteers will be used in a report on the practices of the police department.

A volunteer orientation will be offered from 1-3 p.m. Feb. 21 at the Headwaters Gallery, 84 Fourth St., Ashland. Please RSVP by contacting Field Organizer Claire Syrett, csyrett@aclu-or.org.

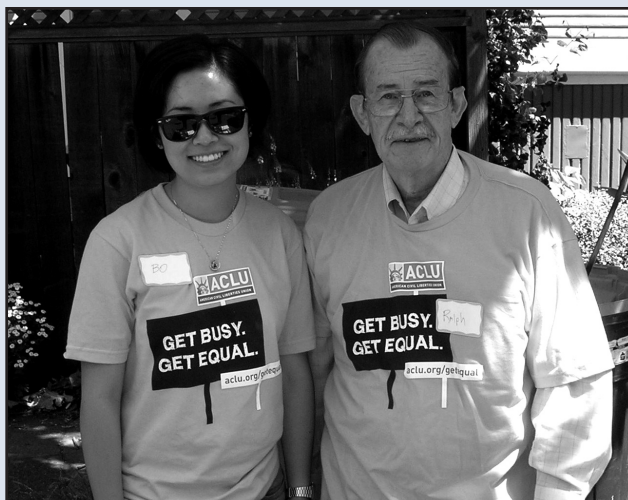
The Southern Oregon Chapter Board will meet from 10 a.m. to 12:30 p.m. at the Ashland Library, 410 Siskiyou Blvd. Members are welcome to attend.

LANE COUNTY

The Lane County Chapter has made outreach to local high schools a priority for its work over the past few months. In November, the chapter announced a student essay contest featuring a first- and second-place cash prize and public recognition for the winning essay. High school juniors and seniors may submit essays on why young people's civil liberties should matter to everyone. The chapter hopes to have a winning essay worthy of a guest opinion spot in the Eugene *Register-Guard* newspaper.

In January, chapter board member Bob Weiss participated in the Classroom Law Project mock congressional hearing. Students from Junction City and Monroe High Schools were regional finalists in the statewide competition. Weiss served as one of the panelists judging the students' knowledge and reasoning as they answered questions related to our constitutional free-speech guarantees.

The chapter's annual membership meeting and board elections will be from 2-4 p.m. Feb. 15 at the First Congregational Church in Eugene. Dan Tichenor of the Wayne Morse Center for Law and Politics will speak about the status of immigrant rights.



Bo Ren and Ralph Neil staff the ACLU table at People's Farmers Market.

DEADLINE IS MAY 31 FOR LEGACY CHALLENGE MATCHING GIFTS

Time is running out on an opportunity for you to earn up to \$10,000 for the ACLU. In June 2007, Robert W. Wilson renewed his Legacy Challenge to encourage members and supporters to support the ACLU through their estate plans. Donors have until May 31 to qualify for the challenge. For donors who are notifying us for the first time of a planned gift, the Robert W. Wilson Charitable Trust will make a cash donation of up to 10 percent of the future gift's value, with a maximum match of \$10,000.

Robert W. Wilson issued the first Legacy Challenge in 2005. During the two-year period of that first challenge, the ACLU Foundation of Oregon identified 45 planned gifts totaling \$10.3 million, resulting in \$77,000 in matching funds. Under the current Legacy Challenge, the ACLU Foundation of Oregon has identified another \$820,000 in planned gifts from an additional 15 donors, guaranteeing us another \$34,000 in matching funds.

If you have considered making a planned gift to the ACLU, now is the time to act in order to take advantage of this opportunity. The deadline for the challenge is May 31.

HOW DOES IT WORK?

1. Complete your bequest provision for the ACLU Foundation in your will or trust.
2. Tell us about it. (One-page matching forms are available from our office or online at www.legacy.aclu.org.)
3. A cash donation of up to \$10,000 will be made by the Robert W. Wilson Charitable Trust.

If you would like more information, you can visit www.legacy.aclu.org for estate planning checklists, gift calculators, step-by-step instructions, articles, and more information about the Legacy Challenge itself. You can also contact James K. Phelps, J.D., CFRE, Development Director, ACLU Foundation of Oregon, at (503) 552-2101 or jphelps@aclu-or.org, or contact the national ACLU Planned Giving staff at (877) 867-1025 (toll-free) or legacy@aclu.org.

JOIN ACLU OF OREGON'S SOCIAL NETWORK THE ACLU OF OREGON IS NOW ON MYSPACE AND FACEBOOK

As we work to increase our visibility with the next generation of civil libertarians, the ACLU of Oregon has joined two popular social internet networks, MySpace and Facebook. In the past several months, we have provided educational materials on our issues, hosted discussions on closing the prison at Guantanamo Bay, and advertised various events.

Join our growing list of friends by visiting us at www.myspace.com/acluor or join our Facebook group at <http://tinyurl.com/4dfskf>.

HONORARY AND MEMORIAL GIFTS

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

In honor of Gareld Gedrose
Susan R. Bennett

In memory of Molly Ivins
Bettie Bowen

In honor of Carol Adler
Louise Clark and Jill Ginsberg

In memory of Richard Kosterlitz
Herbert Goodman and Mel Lee

In honor of Kenney Kennaugh
Janine Gordon

In honor of Janet Hoffman
John Harland

In honor of William Unterberger
Cindy Harrell

In honor of Marissa Isaak
and Daniel Wald
Daniel and Carol Isaak

In memory of Shirley Sidd
Linda Kaplan

In honor of Ralph Temple
Philip Lang

In honor of Andrea Meyer
Sarah E. Meyer

In honor of Mr. Alfred Mikesell
Mrs. Mikesell

In honor of Nathan Millbank
Cathy L. Millbank

In honor of Michael Minor
Kristen Minor

In memory of Virginia Malbin
Sandra Polishuk

In honor of Brian Jackson
Eric Shirazi

In honor of Beth Allen
Jeanne A. Smith

In honor of Hans Christofferson
Nancy Winbigler

We thank all of the donors who choose to honor somebody while supporting civil liberties. To make a gift in honor or in memory, contact Teresa Domka, Development Associate, at (503) 552-2108 or tdomka@aclu-or.org or visit our website at www.aclu-or.org.

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SRPING 2009

SAVE THE DATE

ACLU OF OREGON LOBBY DAY MARCH 5 9 A.M. - 5 P.M.

One of the most important ways we can effect change in our country is to make our voices heard by lawmakers. Join the ACLU for a unique opportunity to meet your state legislators and urge them to protect our civil liberties.

In the morning we'll provide you with training and the tools you will need to meet with legislators in the afternoon.

Join us in making a difference for civil liberties in Oregon.

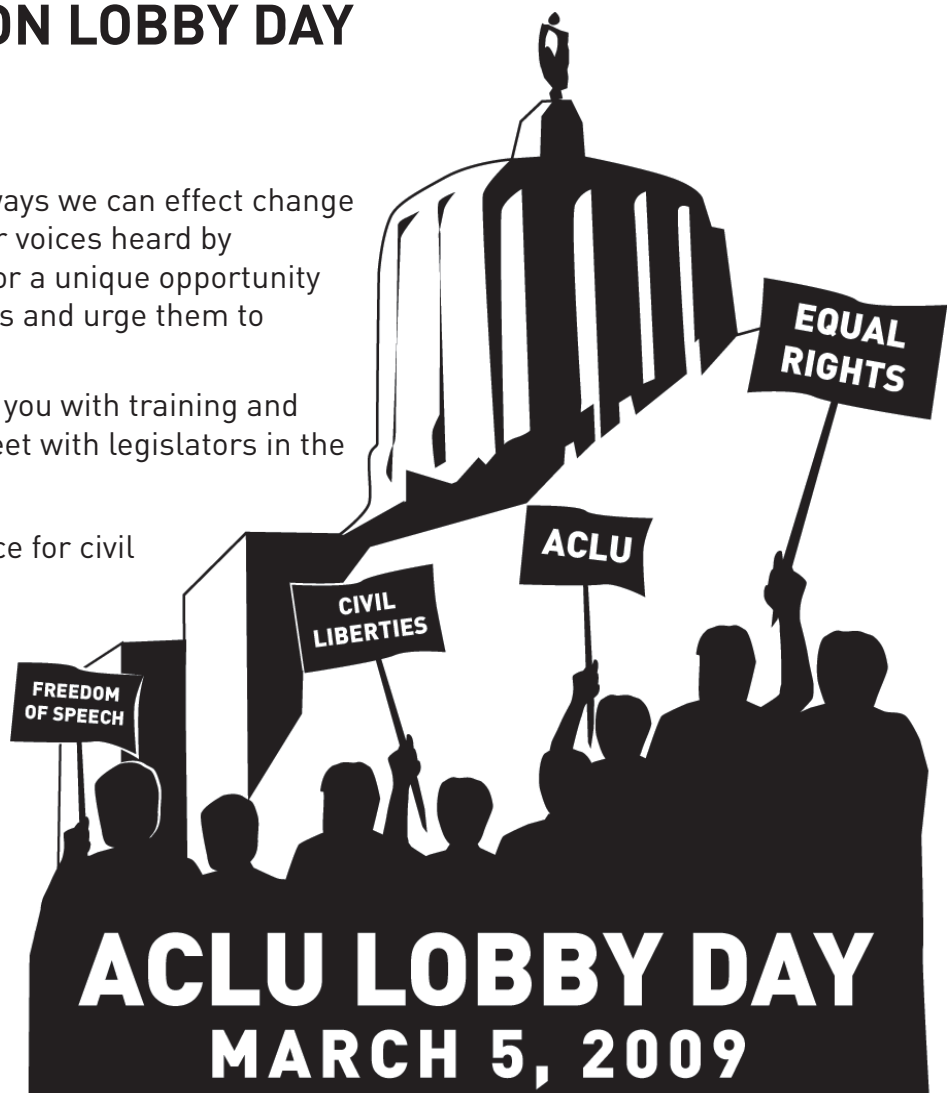
Register at:

www.aclu-or.org/lobbyday

Cost: \$10 (includes lunch)

For more information:

visit www.aclu-or.org, call
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