

# ACLU Oregon

MAGAZINE

FALL 2022



IN DARKNESS,  
WE MAKE  
OUR OWN  
LIGHT.



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# ARTISTS

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**KENNEDY BARRERA-CRUZ** — figures p. 8 and p. 9

**JAX KO** — p. 2

**MEGAN SNYDER** — p. 3  
student and artist from Milwaukie, Oregon



JANN CARSON, former Deputy Director at the ACLU of Oregon, retired in March 2022 after being on team ACLU for **36 years**.

Watch this video honoring Jann's work with the ACLU of Oregon — a retrospective look at three decades of statewide work and a look at the road ahead for our state.





Dear Community,

It is an immense privilege to work at the ACLU of Oregon, to work every day to protect and advance our democracy. However, the weight of our work is heavy too.

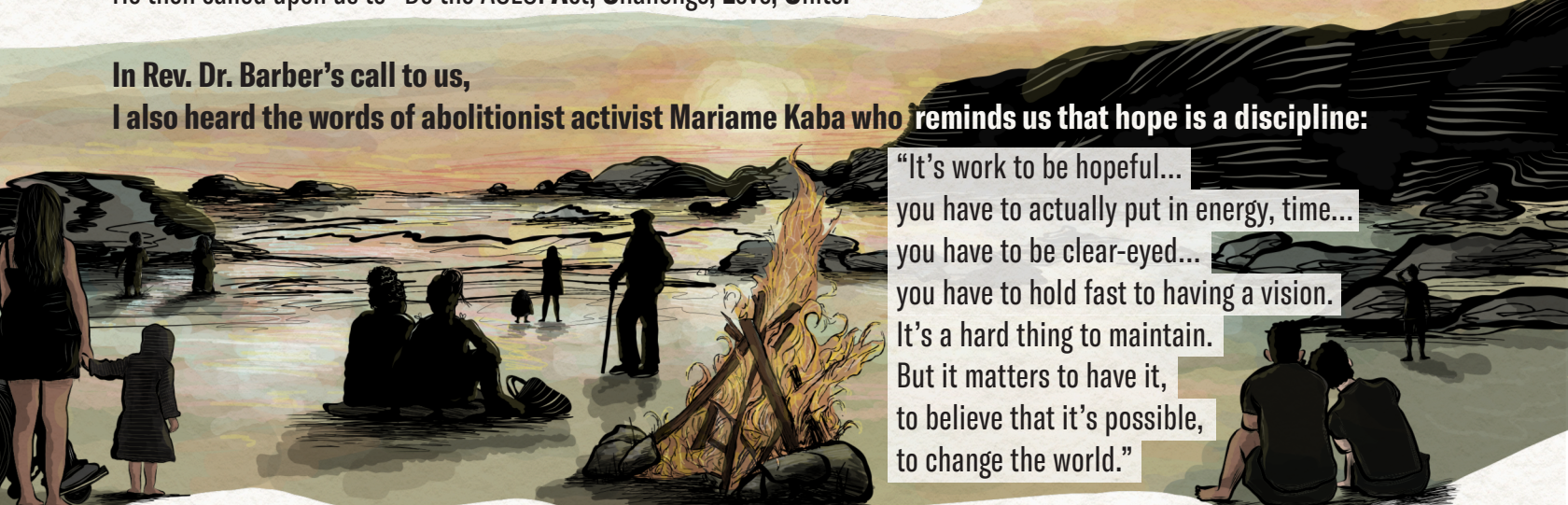
In June, we experienced a particularly devastating and regressive U.S. Supreme Court session. Many people are worried and scared by the continued attacks on our nation's core constitutional and democratic principles — attacks now being carried out by the anti-democracy majority on the U.S. Supreme Court.

I hear from our communities that they are experiencing a deep fatigue, that the fight for justice is hard and exhausting.

### How do we sustain the work of justice?

This spring, I had the honor of hearing the Rev. Dr. William Barber, co-chair of the Poor People's Campaign, speak to ACLU staff. He spoke about his work with communities experiencing poverty — communities treated with inhumanity because they are poor. He acknowledged the immense challenges across the United States. He then called upon us to “Do the ACLU: **Act, Challenge, Love, Unite.**”

In Rev. Dr. Barber's call to us,  
I also heard the words of abolitionist activist Mariame Kaba who reminds us that hope is a discipline:

An illustration of a beach scene at sunset. In the foreground, several people are silhouetted against the warm light of the setting sun. Some are sitting on the sand, while others are standing. A large bonfire is burning in the center, casting a warm glow. The background shows the ocean with gentle waves and a few birds flying in the sky. The overall mood is peaceful and contemplative.

“It’s work to be hopeful...  
you have to actually put in energy, time...  
you have to be clear-eyed...  
you have to hold fast to having a vision.  
It’s a hard thing to maintain.  
But it matters to have it,  
to believe that it’s possible,  
to change the world.”

This is how the wisdom of Rev. Dr. Barber and Mariame Kaba connect with me: To have hope as a discipline, we start with **love** for ourselves and our families and communities. We take this love to **unite** us, and together we **challenge** and **act** to create a democracy of greater justice, equity and care.

It is not always easy to do the ACLU; it takes time, effort and an immense heart. However, the ACLU community has been doing the ACLU for more than 100 years and has helped bend the arc of history toward justice.

The ACLU of Oregon team asks you to maintain hope as a discipline with us and continue to Act, Challenge, Love and Unite. We need your continued support and solidarity in the fight for a just and democratic Oregon and nation.

With gratitude,

**Sandy Chung**

Executive Director, ACLU of Oregon



# Bodily Autonomy for All After *Dobbs*: Protecting Access to Abortion and Gender-Affirming Health Care

by Jessica Maravilla

With their decision in *Dobbs v. Jackson Women's Health Organization* that abortion is not a right protected by the federal Constitution, six U.S. Supreme Court justices took us back almost 50 years, near in time to when women needed men's permission to open bank accounts and credit cards, firing pregnant women and marital rape were legal, and the government could prevent people from using contraception.

The ACLU of Oregon believes our work of civil liberties and civil rights requires the protection and advancement of abortion rights. In 2017, we were part of a coalition that successfully fought for the Reproductive Health Equity Act, which proactively protected abortion rights through Oregon law. Since early 2022, we have been part of efforts to increase abortion and access to other reproductive health care across our state through the use of a \$15 million fund designated for this purpose.

**A**fter *Dobbs*, we have worked closely with partners including Planned Parenthood Advocates of Oregon, Pro-Choice Oregon and Basic Rights Oregon to protect access to abortion and gender-affirming health care, not just for Oregonians, but for people from other states too. We are committed to making sure that our state is a sanctuary and beacon of hope, choice and freedom for people across the U.S.

When you support the ACLU of Oregon as a member or donor, you are supporting efforts to protect bodily autonomy in every part of the United States. This is because ACLU National and state affiliates have established ways to share financial and other resources. In just the first week following *Dobbs*, ACLU National and state affiliates took legal action to fight abortion bans in 11 states. Also, the ACLU and partners are currently striving to make abortion rights protected by the Michigan state constitution, and **this past summer**, the ACLU helped fight a draconian abortion measure in Kansas, with almost 60% of Kansan voters rejecting the measure.

The morning after the Kansas measure was defeated, the executive director of the Kansas ACLU shared:

**"This is a wonderful reminder that when we focus on our values, we can prevail. It is a wonderful reminder that, ultimately, power is inherent in the people, not the politicians or the courts."**

As civil rights leader Fannie Lou Hamer so powerfully stated, "Nobody's free until everybody's free."

**TOGETHER**, we can use our people power as **community members, organizers, educators** and **voters** to protect abortion rights, gender-affirming care and bodily autonomy for all across our state and country. ♦



ILLUSTRATION: Jax Ko



# ***The Pain-to-Beauty Generation***

## **Poetry on what it's like to be a student in 2022**

by Allie Ball, high school student

To be a student in 2022 is  
to experience three things:  
violence, pain and beauty

Students today are unlike  
any that have come before

The things we will have  
experienced will have  
molded us into who we are

The products of sculptures  
that were made by the  
blood of our peers, the salt  
used from our tears and the  
remembrance of past years

We are expected to carry  
the weight of our trauma on  
our shoulders

And let me tell you...  
growing up in a world that  
expects you to be a soldier  
never gets any easier no  
matter how much you grow  
older

How is it that this became the new normal

Practicing for school shooters instead of fire drills is now just a  
daily yet necessary skill

The deaths of students in 2022 will forever be eternal

Since when did putting People over Profit become controversial

How much longer are we gonna keep  
taking kids from this earth before they can truly bloom

Guns are taking our lives before we even start to take root

It's a sad fact that we can't even feel safe in our own schoolrooms

How much longer are we gonna sit back and watch guns be the leading cause  
of death among teens

Our teenage years should be a time to experience things

It shouldn't be a time where parents have to watch their kids ascend with a  
new pair of wings

The physical pain of students matches the emotional pain we are dealt

The constant bullying, and discrimination we face is unimaginable

School was supposed to be a space where students weren't hated on  
simply because of their race

Or the fact that who they love is somehow a disgrace

To be a student in 2022 is the wanting to feel seen  
as our true authentic selves

That no matter what everyone will be given the  
chance to excel

The pain that students will face can never  
be explained

But without pain we are only a fraction  
of ourselves

With pain we are more alive than ever

Because it shows us that our life is something  
delicate that needs to be treasured

The thing about this generation is that we will take  
all of this hurt and use it for good

We'll rise up and be leaders for the ones who  
never could

Students today will go on to be world changers

Because we've seen the world for what it is and  
we've seen its failures

And we know we can't let future generations go through these same  
dangers

Students today are blazing new trails so it's a little easier to inhale  
and exhale

Students in 2022 are sacrificing their childhood to ensure the world  
becomes a better place

We are dream chasers, path makers, problem solvers, academically  
driven scholars

We are the future's doctors, lawyers, politicians, scientists and  
all the things that will allow us to exist

To be a student in 2022 is to experience three things: violence, pain  
and beauty

But in the end only you can decide what lessons you will take from  
those three things

And from there it's time for you to be the sculptor

And mold yourself into who you want to be. ♦



**ILLUSTRATION:** Megan Snyder, student and artist



# Qualified Immunity and Police Accountability: Unfair and Unjust Imbalances of Power

by Kelly Simon

Right now, the Oregon and federal legal systems make it almost impossible to hold police officers, prosecutors and other law enforcement accountable when they violate the constitutional rights of Oregonians.

The United States Supreme Court continues to chip away at and, in some cases, eliminate federal remedies. Oregon has a robust set of freedoms and protections in our state constitution; however, there is **no direct path** to court for us to hold government actors accountable when they violate our state constitutional rights. In fact, the Institute for Justice recently gave Oregon a **D+** for its accountability and immunity practices.

## WHAT WE MEAN WHEN WE SAY:

### ACCOUNTABILITY:

ensuring a person takes responsibility for harm they cause

### IMMUNITY:

legal rules that protect a person from being held accountable in court

be a modest exception for government officials who acted in good faith and reasonably believed their conduct was legal. Unfortunately, since then, the U.S. Supreme Court has expanded the doctrine to provide broad immunity for law enforcement officers' acts of violence and discrimination. The Court even created absolute immunity for unconstitutional prosecutorial acts. The expansion of immunities for police and prosecutors has created an unfair and unjust imbalance of power that allows law enforcement abuses to go unchecked and unaddressed. **We the people have the power to fix this.**

**O**REGON LAWMAKERS COULD PASS AN **OREGON CIVIL RIGHTS ACT**, such as the law passed with bipartisan support in New Mexico last year. This law would empower Oregon state courts to provide legal pathways to justice for Oregonians, even when our federal courts cannot or will not.

When the U.S. Supreme Court created the doctrine of qualified immunity in the 1960s, it was intended to

This type of law would mean that we could take government actors, **including police and prosecutors**, to state court when they:

- unlawfully silence our voices
- illegally arrest or detain us
- inflict violence on us
- wrongfully take or search our private things/information
- inhumanely punish us
- treat us unequally
- otherwise abuse their power

It would mean that constitutional abuses by government actors would **not** remain shielded by federal doctrines like qualified immunity and absolute immunity. If the government violates the right of the people, the people should have a right to relief.

**An Oregon Civil Rights Act is a necessary start to building an effective system of accountability.** Educate your friends and neighbors about the need for a straightforward, common-sense Oregon Civil Rights Act to ensure Oregon is a place where our basic civil liberties and civil rights are respected and protected. ♦

## Rooted in Community-Centric Values, Together

by Savannah Webber

The way we do our work at the ACLU of Oregon is not solely centered around our organizational outcomes, but also around how the work feels for our staff, partners and communities along the way. This **human-centered approach** to building our future is integral to aligning our practices with the more just world we envision.

This means *how* we raise the money, energy and social investment needed to make change is part of our critical transformation work — and like any meaningful change, it is hard work! Your ACLU of Oregon development team continues to see its commitment to the **Community-Centric Fundraising (CCF) movement** as a strong root system sustainably fueling this growth.

In the past year, we have learned that this progression takes time and happens in small steps. We are investing in our internal team so it aligns deeply with CCF's principles, as well as revisiting our departmental values to guide us forward. We'd love for you to join





- A brighter, more nurturing future is within reach: one that supports positive, healthy, community-driven and sustainable relationships with philanthropy itself. We invite you to support our transformation work with a donation today.

our



## by Sandy Chung and Yvonne Garcia

“Law and order” groups conveniently ignored the atrocious levels of mass incarceration in the U.S. caused by prior “law and order” policies. **The U.S. has the highest rates of incarceration in the world** with almost two million people incarcerated. Our incarceration rate is twice that of Russia and about six times that of China and Canada. Every year, hundreds of billions of tax dollars are spent on police, prisons, prosecutors and criminal courts. **What has been the result?** Policing and prison industrial systems criminalize, destabilize and harm Black, Indigenous, Latinx and low-income communities. And **still**, our most vulnerable communities do not have the same level of safety as well-resourced communities that are whiter and richer.

**The ACLU of Oregon rejects the fear tactics weaponized by “law and order” groups.** It is irresponsible and wrong to use fear to push for more policing, criminalization and mass incarceration. These approaches are not just expensive, they are counterproductive; they simply perpetuate cycles of instability and violence. What we must do is work together to help all communities access the attributes of our safest communities: good schools and health care, well-resourced families with access to stable and well-paying jobs, and proximity to healing beauty such as nature and parks. We ask our ACLU of Oregon community to reject fear narratives and instead work with us on real community-centered solutions to improve safety for all. ♦



# Privacy in the Balance: Reproductive Data after *Roe*

by Rachel Dallal Gale



As technology becomes ever more ubiquitous, our personal information is increasingly subject to non-consensual intrusions. Smartphone apps track everything from our locations to our health data (such as pulse, hours of sleep and menstrual cycles) to our online purchase histories. Similarly, cookies embedded in websites track our browsing behavior and sell information about our online activity to third parties. Certain websites also make public our addresses and relatives' names. This wealth of data can be used for targeted advertising, law enforcement surveillance and evidence in criminal prosecutions and civil lawsuits.

Following the Supreme Court's recent decision overturning *Roe v. Wade*, **we confront a reality** in which private, personal data may be used to enforce abortion bans around the country. This is not a remote or speculative concern. In fact, data has already been weaponized to criminalize people seeking abortion care. In 2017, one Mississippi woman's online search for abortion medication was used as evidence to charge her with second-degree murder after she gave birth to a stillborn baby at home. Similarly, in 2015, prosecutors used text messages as evidence to convict an Indiana woman of causing the death of her fetus after she induced her own abortion in violation of state law.

IN OTHER WORDS, **THE USE OF DIGITAL EVIDENCE TO POLICE REPRODUCTIVE AUTONOMY IS ALREADY HAPPENING.** In today's post-*Roe* landscape, it is an increasingly urgent concern.

Police, prosecutors and private parties in states with restrictive anti-abortion laws may use information derived from cellular location tracking, text messages, online search histories, email and messaging apps, and menstrual cycle tracking apps to criminalize or penalize pregnant people. Those seeking to punish abortion may even be able to obtain files of personal information that are collected and sold by data brokers. For example, until very recently, it was possible for anyone to buy data on patients who visited one of the more than 600 Planned Parenthood locations across the U.S.

**We cannot allow reproductive freedom and bodily autonomy to be policed by the vast surveillance apparatus enabled by modern technology.**

Greater consumer privacy protections are urgently necessary to protect people who can become pregnant from facing criminal charges for seeking reproductive health care. California **has already introduced a bill** to stop information about people seeking abortions in California from being used to enforce anti-abortion laws in other states.

It is of utmost importance that Oregon and other states committed to reproductive freedom immediately follow suit. ♦

## Rights Unrealized: Public Defense in Oregon

by Jessica Lynn Battle

After a regressive U.S. Supreme Court term that left many of us reeling, some of you may be wondering about the state of our constitutional rights. A constitutional right that **still stands** is the right to the assistance of counsel in criminal prosecutions. This right is enshrined in the **Sixth Amendment** to the United States Constitution and Article I, Section 11, of the Oregon Constitution.

In the words of the U.S. Supreme Court, the presence of lawyers in criminal cases "is essential because they are the

means through which the other rights of the person on trial are secured."<sup>1</sup>

**These "other rights" include:**

- the right against the imposition of excessive bail (Eighth Amendment)
- the right to a speedy and public trial (Sixth Amendment)
- the right not to be deprived of liberty, *including* in pretrial confinement, without due process of law (Fifth Amendment)
- the right to be fully informed of the nature of the criminal accusations (Sixth Amendment)
- the right to the tools necessary to defend against criminal accusations at trial (Fifth and Sixth Amendments)

<sup>1</sup> *United States v. Cronin*, 466 US 648, 653 (1984).



**U**nfortunately, the **constitutionally-protected right to legal counsel** is being violated **EVERY DAY** in our state. This year, hundreds of low-income Oregonians were charged with a crime but were not appointed a lawyer by the State of Oregon, even though the state is **legally required** to do so.

Every day that someone is unrepresented in their criminal case compounds the risk of irreparable harm and the violation of many fundamental civil liberties set out in the federal and Oregon constitutions. For Oregonians sitting in jail for weeks with no access to a lawyer, the constitutional right to legal counsel are just words — not reality. This reality is an injustice that should not be tolerated. ♦

Learn about the state of our public defense system in Oregon — follow our **#RightsUnrealized** campaign:



**BUILDING A MORE  
JUST, EQUITABLE AND CARING OREGON**  
— FOR AND BY ALL OF US.

## Power Concedes Nothing Without Demand: ACLU of Oregon's Strategic Planning Process

by Andrea Valderrama

**A**s the ACLU of Oregon grapples with its next campaigns and actions responding to challenges and struggles for our civil liberties, civil rights and democracy, **we are asking**: What are we demanding from institutional and systemic power structures that are no longer serving us? How are we fighting for the civil liberties and civil rights of the communities most disproportionately harmed by colonization, white supremacy, xenophobia and patriarchy? How do we best support the people power of the communities most impacted by systemic oppressions?

**"POWER CONCEDES NOTHING  
WITHOUT DEMAND.**

**IT NEVER DID  
AND IT NEVER WILL."**

FREDERICK DOUGLASS

**The core mission of the ACLU of Oregon is to defend and advance civil liberties and civil rights within our state.**

While we have contributed to some incredible campaign victories over the years, including marriage equality, abortion access and protections for immigrants and refugees, we also acknowledge that we have a long way to go with our racial equity work and values — both internally and externally.

In 2021, we started a strategic planning process designed for our racial equity organizational transformation.

**Our racial equity organizational transformation process has looked like this:**

- Set SMARTIE<sup>1</sup> goals and roles
- Collect and analyze data
- Develop a shared understanding of historical context
- Meaningfully engage staff, members and community
- Finalize Racial Equity Transformation (RET) plan
- Implement RET plan
- Evaluate and report back on the RET plan

**Transforming into a racially equitable organization takes extensive research, teamwork and values-centered commitment.** Are we demanding enough, or are we accepting what dominant culture tells us is enough? ♦

**JOIN US and get involved in anti-racist civil liberties and civil rights work:**



**EXPLORE** ways to engage with the ACLU of Oregon

**EXPRESS INTEREST** in a training

<sup>1</sup> The ACLU of Oregon uses the S.M.A.R.T.I.E framework for goal setting: **strategic, measurable, ambitious, realistic, time-bound, inclusive and equitable.**



# ACLU OF OREGON

## Ballot Measure Endorsements

The following values-based questioning guides the ACLU of Oregon's organizational positions on local and state ballot initiatives:

- How does the measure directly advance the ACLU of Oregon's commitment to the civil liberties and civil rights fundamental to our democracy?
- How does the measure directly advance equity and racial and gender justice?
- Are impacted communities leading and centered by the measure in ways that advance their civil liberties and civil rights?

WITH THESE VALUES IN MIND,

THE ACLU OF OREGON ENDORSES **"YES"** VOTES ON THE FOLLOWING BALLOT MEASURES:

STATE MEASURE 113

EXCLUSION  
FROM RE-ELECTION  
FOR LEGISLATIVE  
ABSENTEEISM  
INITIATIVE

STATE MEASURE 111

RIGHT TO  
HEALTH CARE  
AMENDMENT TO  
THE OREGON  
CONSTITUTION

STATE MEASURE 112

REMOVE  
SLAVERY AS  
PUNISHMENT  
FOR A CRIME FROM  
THE OREGON  
CONSTITUTION

**VOTE  
YES**

CITY OF  
PORTLAND  
CHARTER  
CHANGES

FIND MORE  
INFORMATION  
ABOUT 2022 BALLOT  
MEASURES **HERE:**





# Restoration of Voting Rights Bill: Voting Rights for ALL

by Mariana García Medina

**V**oting is the cornerstone of our democracy. Although Oregon voters have a multitude of robust rights, there are communities who still **cannot** vote in our state.

In 1857, incarcerated individuals in Oregon were denied the right to vote as part of post-Reconstruction Jim Crow laws; the purpose was disenfranchising Black voters. The legacy of these racist laws continues today because incarcerated people are still unable to vote. With Black people making up more than 9 percent of Oregon's prisons but under 2 percent of our state population, the disenfranchisement of incarcerated people disproportionately impacts Black communities — unfortunately, as originally intended.

The Restoration of Voting Rights bill would **reverse** our Jim Crow-era voting law and **make it possible for incarcerated Oregonians to vote**. The ACLU of Oregon has fought for this bill for several years and will be fighting for it again during the 2023 Oregon legislative session.

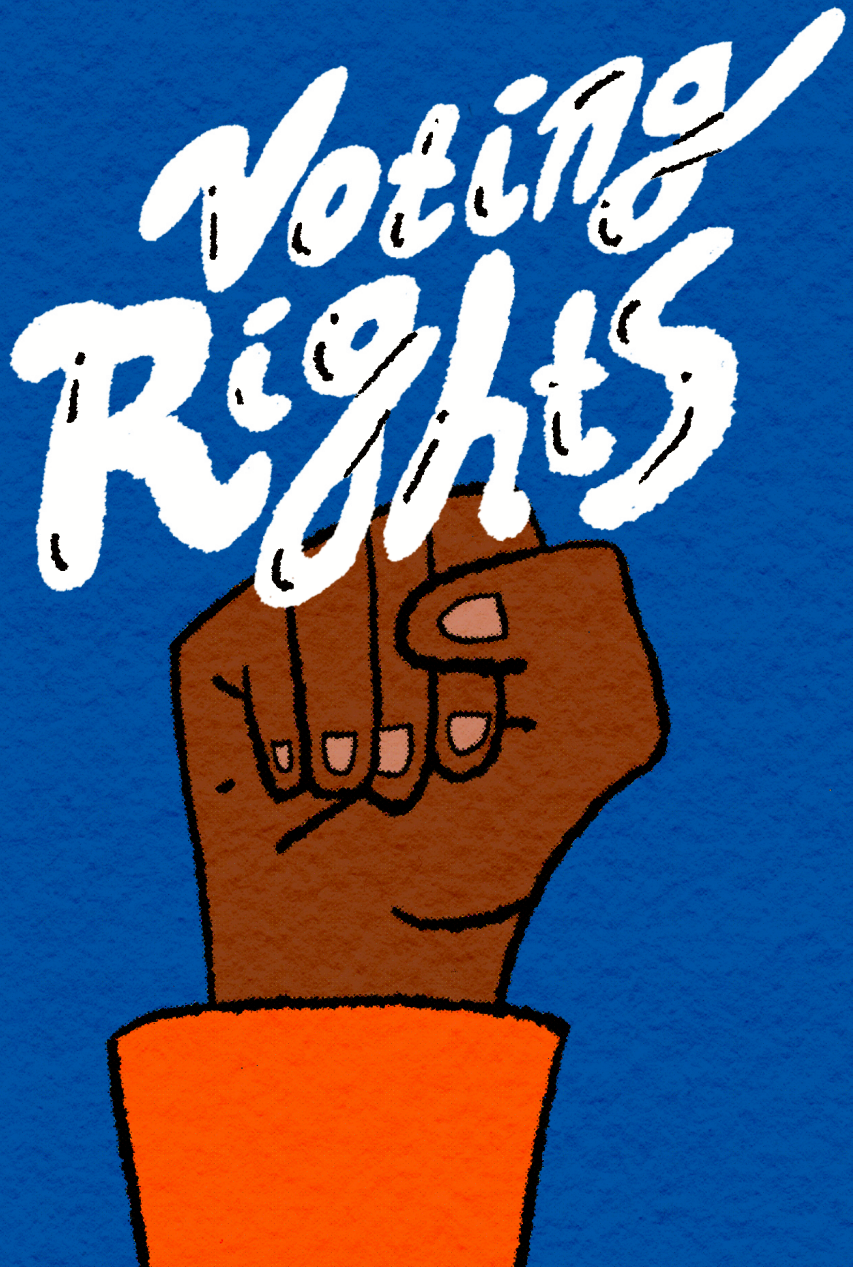
**N**on-citizen people in our communities are also **denied the right to vote**. Non-citizens are our family members, friends, coworkers and neighbors; they are rooted in our communities, pay taxes, send their children to neighborhood schools and start businesses. In Oregon, **one in nine** people lives with a non-citizen.

**The movement to provide the right to vote to non-citizens is growing.** Two Vermont cities, nine Maryland cities, and San Francisco allow non-citizens to vote in local or school board elections. Lawmakers in Washington, D.C., Illinois and New York City have considered legislation for non-citizen voting too. And this fall, voters in Multnomah County, Oregon, will get to vote on a ballot measure to update the Multnomah County Charter that would provide non-citizens the right to vote in Multnomah County elections.

**The ACLU fights for voting rights for ALL because our democracy is most vibrant, beautiful and effective when it includes the voices of all people.**

It is not fair or just to exclude certain communities — often historically disenfranchised, marginalized and oppressed communities — from participating in our democracy.

**JOIN US IN STRENGTHENING OUR DEMOCRACY THROUGH OUR VOTING RIGHTS WORK,** and keep an eye out for our calls to action in 2023. ♦



**ILLUSTRATION:** Kenneddy Barrera-Cruz



# Six Anti-Democracy Justices on the U.S. Supreme Court — Their Threat to Democracy and the Rule of Law

by Sandy Chung

**D**uring its June 2022 session, the anti-democracy justices of the U.S. Supreme Court engaged in a wrath of destruction. It was devastating to our country's pursuit of an inclusive, resilient and functional democracy based on the rule of law.

**Instead of addressing the realities of our current times,** the majority on the Supreme Court is insistent on forcibly taking us back to a time in history when our country actively excluded and oppressed Black and Indigenous people, people of color, women and LGBTQ+ people. They are insistent, as well, on obstructing solutions to the existential menaces of our time, including racism, police misconduct and violence, mass shootings, climate change and theocratic Christian fascism.

Acting more as religious theocrats and ideologues than justices whose primary allegiance should be to the U.S. Constitution and our democracy, the Supreme Court's majority obstructs our country's ability to improve, rise to the challenges of our times, and be an inclusive, resilient and functional democracy.

## ROLLING BACK RIGHTS

**Bodily Autonomy** — In *Dobbs v. Jackson Women's Health Organization*, the Court's six anti-democracy justices took away the rights of women, girls and all people who can become pregnant to control their bodies and lives. Never before had the Supreme Court taken away a fundamental constitutional right from so many people across our country, ignoring almost 50 years of its own decisions affirming our rights to bodily autonomy and abortion.

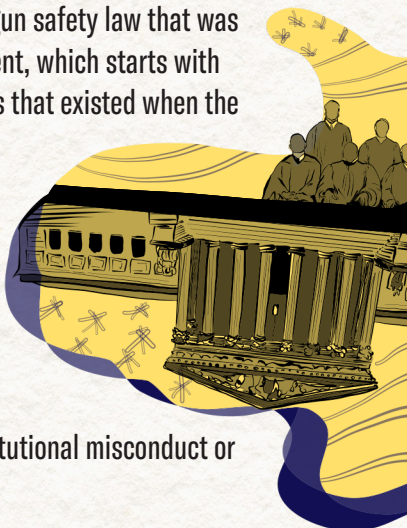
The *Dobbs* court held that the U.S. Constitution does not protect a right to abortion because the abortion right is not "deeply rooted in this Nation's history and tradition." The Court's analysis was a manipulative and selective interpretation of U.S. history that ignored the historic and current experiences of historically-oppressed groups in America, especially Black women. This tactic also may be used to take away other important privacy and equality rights. Indeed, in his concurring opinion, Justice Clarence Thomas took the *Dobbs* reasoning to its horrendous but logical conclusion, stating that the Court has a "duty to 'correct the error'" of prior decisions that established the right to contraception, same-sex intimacy and same-sex marriage.

**Community safety** — This same Court has threatened the bodily safety of people and communities across the nation too. In *New York State Rifle & Pistol Association v. Bruen*, the six anti-democracy justices struck down a New York State gun safety law that was more than a century old. With this decision, the majority sidestepped the plain words of the Second Amendment, which starts with the phrase, "A well-regulated militia" and a long-history of gun regulations in our nation, including regulations that existed when the Second Amendment was written.

In *West Virginia v. Environmental Protection Agency (EPA)*, the six anti-democracy justices impeded efforts to address another existential crisis harming our communities by striking down the Clean Power Plan, a federal climate policy. Like so many other decisions this session, the majority ignored prior legal decisions to do what they wished while obstructing the calls of communities for more action.

In *Vega v. Tekoh* and *Egbert v. Boule*, the six anti-democracy justices held that people harmed by the unconstitutional misconduct or

**THE SURVIVAL  
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ALL O  
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THE ROAD**





violence of local and federal law enforcement cannot seek accountability through civil lawsuits with monetary damages. Here, the majority took the position that it would not be proper to create judicial doctrine to keep the police accountable — despite communities across the nation repeatedly using their collective voice to protest against ongoing police violence.

**Tribal sovereignty** — In *Oklahoma v. Castro-Huerta*, five of the Court’s anti-democracy justices (with Justice Neil Gorsuch dissenting) ignored a long history of precedential law — here, law that recognized the inherent power of tribal governments on their own lands. Departing from centuries of federal Indian law recognizing tribal sovereignty, the Court gave state prosecutors authority to usurp this dominion. Justice Brett M. Kavanaugh flippantly delivered this severe blow to Indigenous rights when he wrote for the majority, “Indian country is part of the State, not separate from the State.” In his dissenting opinion, Justice Gorsuch wrote, “Truly, a more ahistorical and mistaken statement of Indian law would be hard to fathom.”



### WHITE CHRISTIAN SUPREMACY

In *Carson v. Makin* and *Kennedy v. Bremerton School District*, the Court’s anti-democracy justices continued to blithely sidestep long-established legal precedents — in these cases, prior decisions about the constitutional requirement of separation of church and state. However, unlike in prior cases where the high court rolled back rights, in *Carson* and *Bremerton* the majority advanced their vision of certain rights. Their decisions show their vision includes giving constitutional privilege to white Christian people. This is white supremacy in action.

**In *Carson*,** the Court’s six anti-democracy justices held that the State of Maine was required to fund religious schools in a taxpayer-funded program that helped students pay for private school if they lived in sparsely populated areas with no public schools. The students and families filed this lawsuit to get public tax monies to attend private, predominantly white Christian religious schools.

**In *Kennedy*,** the six anti-democracy justices held that a public high school in Washington could not prevent its football coach from engaging in Christian prayer during the school’s public football games. With this decision, the majority refused to acknowledge the potentially coercive effects of their decision on youth in public schools who hold different religious views from school employees and officials.

As Justice Sonia Sotomayor observed in *Carson*, **“The Court leads us to a place where separation of church and state becomes a constitutional violation.”**

### FREEDOM FOR SOME

A pattern is emerging about how the anti-democracy justices define “religious freedom”:

- The two private religious schools in *Carson* were predominantly white Christian schools that discriminated in admissions and employment against non-Christians and LGBTQ+ people<sup>1</sup>, and the coach in *Bremerton* engaged in public Christian prayers during public school football games that could exclude and coerce players with different beliefs.
- In recent years, justices with anti-democracy views on the Supreme Court allowed certain corporations to use their religious beliefs” to remove contraceptive coverage from their health care plans for employees.

<sup>1</sup> One of the schools, Temple Academy, bars admission to LGBTQ+ students and students with LGBTQ+ parents. Its hiring guidelines state that LGBTQ+ employees will be fired, that “God recognize[s] homosexuals and other deviants as perverted.” At the other school, Bangor Christian School, students who come out as LGBTQ+ are required to undergo “counseling” and must renounce their sexual orientation or gender identity or face expulsion.

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- They sided with a Catholic organization that barred LGBTQ+ people from applying to be foster parents, even though the organization received public monies. They also backed a Christian baker with a public storefront who refused to make a wedding cake for a same-sex couple.

**The commonality in these decisions?** Predominantly white Christian groups were legally authorized to dictate their belief systems over others with public resources and in public ways — no matter how discriminatory, oppressive or coercive the conduct.

**For Oregonians, we can fight back against the recent Supreme Court decisions by supporting the call to enshrine our rights at the state level in Oregon's constitution and laws.** This means communities working with advocacy organizations and pro-democracy elected officials at all levels of government. Together, we can make Oregon a beacon of hope, choice and freedom for people across the country.

THE SURVIVAL OF OUR DEMOCRACY DEPENDS ON ALL OF US AND WE THE PEOPLE ARE STRONG ENOUGH FOR THE ROAD AHEAD. ♦

## Every One of Us: For and by Community

by Yvonne Garcia

**A**t the ACLU of Oregon, we strive to center and support those at the margins, our most vulnerable communities. We believe public safety and justice will thrive if we create the conditions for healing and joy in all our communities.

**In contrast, there are those across our state and country who center the voices and inconveniences of the wealthy and powerful and use fear to create support for approaches that dehumanize and divide.**

In response to such harmful approaches, a group of Black, Indigenous and women of color leaders came together in Portland. The group initially started by writing about the group's values and vision in an op-ed ("Opinion: We won't surrender our city to People for Portland's bleak vision," published November 17, 2021, in *The Oregonian*). Many community members signed it in support. Several from this group continued to gather each week to envision and dream of a Portland that prioritizes care across communities, space for diverse cultural expressions of grief and healing, and expressions of joy in celebration of our communities.

The name Every One of Us was selected to reflect the vision of a community that shares in collective healing and organizing for the ongoing work of creating more justice and equity for all communities.

The group worked together to create an event that invited community members to come together to heal, reflect and take action. The ACLU of Oregon was honored to be a sponsor of the event along with NAACP PDX, Pro-Choice Oregon, Imagine Black, Next Up and APANO.

**O**n July 2, Every One of Us gathered at Portland's Pioneer Courthouse Square to engage in collective healing through breathing exercises, yoga, sound healing and dancing. BIPOC vendors, balloon animals, face painting, henna tattoos, plants and live music filled the square to create a safe and joyful space in the heart of downtown for all who joined. The work of all involved was celebrated. **We were reminded that as we fight for justice, there should always be time for joy.**

The ACLU of Oregon is proud to have several staff members participate in the Every One of Us group, which is a separate organization from the ACLU of Oregon. ♦



# Horoscopes + Self Care

by Mariana García Medina

**ARIES** (March 21 - April 19), you are always taking on challenges. Today, we challenge you to take a break from competition culture and create something you've always wanted to for no practical reason.

**Action:** Volunteer with Don't Shoot PDX

**TAURUS** (April 20 - May 20), staying grounded comes naturally to you. Find time to reflect and journal on these questions: What makes you powerful? How do you advocate for yourself? How do you forgive yourself when you make a mistake?

**Action:** Donate to Seeding Justice

**GEMINI** (May 21 - June 20), you are full of creativity. We invite you to create a zine about something you care about or have found really interesting. Add all the zest you'd like and make it your own.

**Action:** Volunteer with JOIN

**CANCER** (June 21 - July 22), you are always looking out for others. This month, it's time for you to look after *yourself*. What choice can you make each week for yourself based on your needs and wants? Start today.

**Action:** Donate to Imagine Black

**LEO** (July 23 - August 22), you're always ready to share your fiery energy with others. This month, plan a fun self-care activity with friends, like roller skating, taking a dance class or having a karaoke session and singing your heart out.

**Action:** Volunteer with Unite Oregon

**VIRGO** (August 23 - September 22), it is time to put your to-do list down and make time for fun and leisure. Find time this month to have a casual game night with friends and family; bring out the board games, video games or go to an escape room.

**Action:** Volunteer with Next Up to get out the vote this November

**LIBRA** (September 23 - October 22), you're always seeking equilibrium and the scales of justice may feel off. Ground yourself this month by going into nature and practicing gratitude.

**Action:** Donate to Street Roots

**SCORPIO** (October 23 - November 21), you are fueled by emotions. It is time to cultivate the wisdom that comes with them by journaling. A few questions to get you started: How do you trust yourself to make big decisions? How do you set boundaries and avoid absorbing others' emotions and stress? How do you share your feelings with the people you care about?

**Action:** Donate to Pro-Choice Oregon

**SAGITTARIUS** (November 22 - December 21), you're always up for an adventure and ready to travel. We challenge you to become a tourist of your own city and find the wonder in it. Go sightseeing, find a beautiful view, visit your local small business and try a new restaurant you always pass by but have not yet tried.

**Action:** Volunteer with Urban League of Portland

**CAPRICORN** (December 22 - January 19), you're always hard at work. Let's hit pause and commit to taking five minutes each day this week to do a quick body scan and stretch. Close your eyes and check in with how each part of your body feels. Find stretches that allow you to release tension in your body.

**Action:** Donate to Planned Parenthood Advocates of Oregon

**AQUARIUS** (January 20 - February 18), you're unapologetically revolutionary. We invite you to make a music playlist dedicated to yourself. Go on a powerful walk with your music and wear your favorite outfit or add a bold color or accessory.

**Action:** Volunteer with Basic Rights Oregon

**PISCES** (February 19 - March 20), you're a dreamer. It's time to indulge in your imagination, hopes and dreams with art. Create a painting, collage or drawing with words and sketches of a happy dream you have for yourself. Reflect on what makes this dream joyful.

**Action:** Donate to Pineros Y Campesinos del Noroeste (PCUN)



## DANCE AS YOU ARE PLAYLIST

Scan the QR code to listen (and dance) along with us!



ILLUSTRATION: JoJo Baccam

**FOLLOW this QR code**

to our blog celebrating Nectar's sponsorship of our values-aligned work.

**Thank you** for fearlessly supporting our collective movement for a more just, fair and inclusive Oregon.





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