ACLU OREGON NEWS

AMERICAN CIVIL LIBERTIES UNION of OREGON

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ISSUE 2, VOLUME 47, FALL 2011

2011 OREGON LEGISLATIVE SESSION – CIVIL LIBERTIES UNSCATHED

Despite numerous proposals to undermine civil liberties during the 2011 Oregon legislative session, we had a very successful session. While we had a few losses along the way, we stopped the most egregious attempts to undermine civil liberties.

We are happy to report that our proposal to require the government to properly preserve evidence that can be used to exonerate a person years after conviction passed unanimously in both the Senate and the House.

This was one of the shortest sessions in Oregon history. However, that did not reduce the numbers of bills introduced or considered. We tracked hundreds of legislative proposals that in most cases would have diminished civil liberties and civil rights. These proposals covered the whole gamut of our work area including free speech, search and seizure, privacy, criminal justice, reproductive rights, equal protection, public records, religious freedom, the death penalty, prisoners' rights and drug reform.

This report can only touch on some of the highlights, and in a few cases, the lowlights, of the 2011 session. For a much more in-depth review of the 2011 session, please visit the Legislative page on our website: www.aclu-or.org.

ACLU-SPONSORED LEGISLATION

Criminal Justice: DNA Retention Law (SB 731)

This session, because of the evenly divided House, it was easier to stop bad bills than to pass good ones. The ACLU nevertheless spearheaded the passage of SB 731, culminating a 10-year effort to bring added protection to the criminal justice system regarding the preservation and use of evidence containing biological material (DNA) and the right to seek testing years later to prove the innocence of those wrongfully convicted.

SB 731 establishes uniform procedures for the retention of biological evidence for the most serious crimes (murders and rapes); in most cases for 60 years. As the lead proponent, the ACLU moved the bill forward through the legislative process with the support of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association. SB 731 passed both the Senate and House without any opposition. Starting with Oregon's DNA Innocence law in 2001 (allowing post-conviction DNA testing), we are pleased to have made these important changes to Oregon's criminal justice system. The governor signed SB 731 into law on June 7, and it became effective immediately. **WIN (Passed: Senate 29-0; House 60-0) SCORECARD VOTE.**

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BANNED BOOKS WEEK

Every year, there are hundreds of challenges to books in schools and libraries in Oregon and across the United States. Banned Books Week, held annually during the last week of September, celebrates the freedom to read and the importance of the First Amendment.

Meant to highlight the benefits of free and open access to information while drawing attention to the harms of censorship, the ACLU of Oregon celebrates this important occasion by hosting events, distributing "I Read Banned Books" buttons to libraries and bookstores, and by publishing a list of books challenged in Oregon.

We hope you will observe Banned Books Week by attending one of our events, reading from a frequently challenged or banned book, and talking about the freedom to read with your friends, family, and neighbors.

See page 10 for list of ACLU's Banned Books Week events.

Save the Date

2012
Liberty Dinner

Keynote Speaker:
Dan Savage

Saturday,
March 10, 2012

Hilton Portland

CONTACT INFORMATION

P.O. Box 40585
Portland, OR 97240
t/503.227.3186

P.O. Box 50426
Eugene, OR 97405
t/541.345.6162

www.aclu-or.org • info@aclu-or.org

ACLU
AMERICAN CIVIL LIBERTIES UNION of OREGON

YOUR NATIONWIDE ACLU

FROM THE EXECUTIVE DIRECTOR


David Fidanque

Ten Years After 9/11

By the time this newsletter reaches you, most of the ten-year anniversary coverage of the September 2001 attacks on the World Trade Center and the Pentagon will have concluded. Even as I write these words, before 9/11/2011, the somber retrospectives have been building for several weeks.

What has been missing from much of the reporting has been a meaningful dialogue about how the nature of America's national security apparatus – and our perception of ourselves as a nation – have shifted dramatically in the past decade.

Before September 2001, we had a Congress that was generally skeptical of overreaching by the Executive branch, especially with regard to requests for the power to secretly snoop on the private affairs of innocent American citizens. Efforts to greatly expand the reach of the Foreign Intelligence Surveillance Act (FISA) were proposed by both the Bush I and Clinton Administration – and were rejected.

After 9/11, Congress quickly capitulated and passed even more sweeping search and surveillance authorities as part of the Patriot Act. Despite that speedy action by Congress, Vice President Dick Cheney, Attorney General John Ashcroft and Defense Secretary Donald Rumsfeld concluded that seeking permission from Congress was an inconvenience they didn't need and wouldn't bother with again unless compelled.

Lawyers in the Ashcroft Justice Department soon cooked up some junk legal arguments to justify the use of "enhanced interrogation techniques" – torture – with "detainees." The CIA greatly expanded its so-called "rendition" program to kidnap suspected terrorists and transport them either to other countries – where we knew they would be tortured – or to secret CIA or U.S. military prisons where Americans subjected them to torture.

Thanks to thousands of documents released in response to ACLU Freedom of Information Act lawsuits – as well as other information released by courageous whistleblowers – we now know that the torture of U.S. prisoners was systematic and widespread. The majority of the prisoners were innocent civilians – not members of Al Qaeda or its offshoots.

The Bush Administration also moved quickly to implement secret electronic surveillance of telephone records and telephone calls as well as e-mail and other internet communications. The FBI and other federal intelligence agencies, in cooperation with state and local law enforcement, engaged in widespread surveillance of political and religious organizations that had violated no laws.

The FBI also issued thousands National Security Letters demanding the production of paper and digital records regarding the activities of hundreds of thousands of American citizens that were held by third parties. None of those demands were reviewed in advance by a judge and many sought information about constitutionally protected activity.

We still don't know the full extent of the surveillance activities carried out by our government over the past ten years in the name of protecting our security. We don't even know what legal arguments are currently being used by the Obama Justice Department to justify that surveillance.

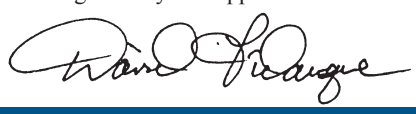
Senator Ron Wyden, a member of the Senate Intelligence Committee, has reviewed classified legal briefs filed by this Administration with the super-secret Foreign Intelligence Surveillance (FISA) court. So far, Wyden has not been able to get his colleagues or Attorney General Eric Holder to make those documents public, but says the American people would be shocked if they knew what was in them.

While President Obama reversed the Bush Administration's authorization to use torture, his administration has continued the vast majority of the Bush Administration's other policies related to national security. In addition, the continuing cloak of secrecy around those policies and practices has effectively prevented the efforts by ACLU and others to restore the liberties that have been eroded since 9/11.

America can prevent terrorism and freedom, but that takes courage – and faith in our democratic institutions.

Instead, ten years after 9/11, both Republican and Democratic administrations have chosen to systematically undermine our core freedoms in the name of security.

The ACLU will continue to fight as long as it takes to restore those freedoms. Thanks again for your support of freedom and the ACLU.



TRACKING YOUR LOCATION THROUGH YOUR CELL PHONE

Cell phone technology has given law enforcement agents the unprecedented ability to track individuals' movements.

As of December 2010, the Wireless Association estimates over 96 percent of the overall population of the United States carried a cell phone – approximately 302.9 million people. Even the most basic cell phones can be tracked. Cell phones can be tracked in real time, and cell phone companies frequently retain records on the past travels of their customers.

Last month, ACLU of Oregon joined 33 other ACLU affiliates in a massive coordinated information-seeking campaign by sending public records requests to local law enforcement agencies, large and small, seeking to know when, why and how they are using cell phone location data to track Americans. In Oregon, we've requested information from the Oregon State Police and the Portland Police Bureau. Our public records requests are an effort to strip away the secrecy that has surrounded law enforcement use of cell phone tracking capabilities.

Our state and federal constitutions protect against unreasonable searches; ACLU believes the public should understand whether law enforcement in Oregon is seeking this type of information and, if so, under what conditions. Records of a person's travels can be very revealing, such as whether someone attends church or frequents bars, hotels, shopping malls – really everywhere someone travels.

The ACLU of Oregon believes that the constitutions, as well as a specific Oregon statute, do not permit law enforcement agents to track the location of cell phones without obtaining a warrant and demonstrating probable cause. We filed our public records request because we want to know if the Oregon State Police and Portland Police Bureau agree with us that they must get a probable cause warrant to access this type of information.

Oregon Sen. Ron Wyden has introduced the Geolocation Privacy and Surveillance Act in Congress. ACLU supports this bill because it would require police to get a warrant to obtain personal location information. The bill would protect both historical and real-time location data and would also require customers' consent for telecommunications companies to collect location data.

Our public records requests are part of the ACLU's Demand Your dotRights Campaign. ACLU is developing this campaign to make sure that as technology advances, privacy rights are not left behind. To read the ACLU of Oregon's records request, go to www.aclu-or.org.

ACLU URGES CHANGES TO OREGON'S DEATH PENALTY PROCEDURES

In August, the ACLU of Oregon urged the Oregon Department of Corrections (DOC) to make major changes in its procedures for carrying out the death penalty in order to lessen the risk of a botched execution in Oregon.

The ACLU opposes the death penalty, and it also has done work nationwide to educate the public and government officials regarding the unnecessary and excruciating pain that has resulted during some lethal injection executions in other states that use similar procedures to Oregon. There have been only two previous executions by lethal injection in Oregon, and the most recent took place in 1997 – 14 years ago.

On May 18, 2011, a death warrant was issued authorizing and commanding that Gary Haugen be executed. Mr. Haugen, who has been on death row in Oregon since 2007, decided to waive his remaining appeals of his death sentence. The Oregon Supreme Court stopped the appeals process for the time being, and ordered an additional assessment of Mr. Haugen's mental capacity to make this decision.

If carried out, Mr. Haugen's execution would be the first in Oregon since 1996 and 1997, when two other inmates chose to waive their remaining appeals and were executed. While the Courts determine Mr. Haugen's competency to decide to waive his appeals, the Oregon Department of Corrections is proceeding to modify its administrative rules regarding the steps it must take in carrying out a death sentence.

In Oregon, a death sentence is carried out by lethal injection. Oregon has used the three-drug protocol, as do many other states. However, one of the key drugs used in lethal injection protocols in recent years is no longer manufactured and available in the United States. This has led some states to obtain the drugs in an unlawful manner or to change their lethal injection to a one-drug protocol. There is sufficient and credible evidence that the drugs used in the three-drug protocol allow for the inmate to suffer great pain. This is avoidable and, therefore, it's inhumane to continue such a practice.

The ACLU opposes the death penalty as a cruel and unusual punishment and as a penalty that is contrary to our country's constitutional principles of due process, fairness and equal protection under the law. In states such as Oregon where the three-drug lethal injection protocol exists, ACLU has urged the adoption of a one-drug policy.

The ACLU of Oregon's comments regarding the Oregon Department of Correction's rules are posted on our website at www.aclu-or.org/oregon-death-penalty-procedures. The ACLU of Oregon, along with the Oregon Capitol Resource Center and Berkeley Death Penalty Clinic, has requested a public hearing on the administrative rules.

FREE SPEECH

Funeral Protest Restrictions (HB 3241)

In response to the nationwide publicity surrounding the Phelps family that operates the Westboro Baptist Church in Topeka, Kan., and their controversial demonstrations outside the funerals of fallen service members, HB 3241 would have prohibited "picketing" and "disruptive activities" within 300 feet of the property line of a location hosting a funeral service. This effectively prohibited constitutionally protected activity on public property.

We testified that HB 3241 was unconstitutional under the Free Expression provision of the Oregon Constitution (Article I, section 8) as well as the First Amendment of the U.S. Constitution. Following our testimony, the committee amended the proposal to create a buffer zone and give private funeral directors the authority to limit access to public property, such as sidewalks.

The amended bill was still unconstitutional, and we opposed it. Nevertheless, HB 3241 A-Eng. passed the Oregon House by a vote of 57-3. The three "No" votes were Reps. Mary Nolan (D-Portland), Tina Kotek (D-Portland), and Jules Bailey (D-Portland). The bill was assigned to the Senate Judiciary Committee and was never heard. Proponents plan to bring this proposal back in 2012. **WIN (passed House 55-3; died in Senate) SCORECARD**

Voters have made it clear that they do not want to weaken our Bill of Rights nor allow the government to decide what we can read, see and hear.

Constitutional Amendments (SJR 28, HJR 35 and HJR 34) and Statutory Fix (HB 3233)

Three constitutional referrals were introduced to weaken the free expression provision of the Oregon Constitution (Article I, section 8). HJR 35 and SJR 28, introduced by Rep. Tobias Read (D-Beaverton) and Sen. Mark Hass (D-Beaverton) both attempted to restrict adult business but would also have had the unintended effect of limiting nudist recreation organizations.

Voters rejected an almost identical provision in 2000 (Measure 87) as well as previous attempts in 1996 (Measure 31) and 1994 (Measure 19) to weaken our free expression provision related to sexual expression. Voters have made it clear that they do not want to weaken our Bill of Rights nor allow the government to decide what we can read, see and hear. Unfortunately, almost every legislative session, constitutional referrals of this nature are introduced by sympathetic legislators and too often are given serious consideration. SJR 28 was heard in the Senate Judiciary Committee where we, along with the recreation nudists, testified in opposition. HJR 35 was never heard. **WIN (both died in committee)**

The more serious effort was HJR 34, introduced by Rep. Andy Olson (R-Albany). It was a constitutional amendment to add language to Article I, section 8, allowing the legislature to enact laws regulating the furnishing of sexually explicit material to minors "consistent with the U.S. Constitution." It was a direct response to our successful First Amendment challenge in *Powell's Books v. Kroger* where the 9th Circuit Court of Appeals agreed with us that portions of two laws passed in 2007 unconstitutionally restricted the free expression rights of booksellers, health care providers and family members by putting them at risk of being charged with a crime if they provided material to minors that contained "sexually explicit" content.

Because we did not challenge the portions of the 2007 laws making it a crime for a predator to give sexually explicit material to a minor for the purpose of luring the minor to engage in sexual activity, we testified that HJR 34 would only weaken our free expression and was not a "fix" to the *Powell's Books* decision. Rep. Olson, who had co-authored the 2007 law along with now-Secretary of State Kate Brown, testified he was unable to provide any example of what law he would propose if HJR 34 were approved by voters. HJR 34 was heard in the House Judiciary Committee and then the House Rules Committee. We testified both times and worked hard to defeat it. **WIN (died in committee).**

Speaking of our court victory in *Powell's Books v. Kroger,* we introduced amendments to **HB 3323** to repeal the unconstitutional portions of the 2007 laws that made it a crime to provide sexually explicit material to minors. The Senate Judiciary Committee adopted our amendments. It passed the Senate 28-2, and the House concurred in the amendments 57-3. **WIN (passed into law).**

The risks to lawful Oregonians are high in light of the frequent breaches of electronic databases.

PRIVACY

Prescription Database Monitoring Program (amendments proposed to various bills)

At the end of session, we revisited the Prescription Database Monitoring Program (PDMP) law, which was passed over our strong objections in 2009 (SB 355). We have been monitoring the implementation of this law by the Oregon Health Authority (OHA) over the past year. It authorizes the state to create a database of controlled substance prescriptions, Schedules II, III & IV (most pain medications as well as sleep aids and Ritalin). Oregon estimates it will put into a database 5 million prescriptions per year, and the information collected will be made available on an electronic database to doctors and pharmacists. The risks to lawful Oregonians are high in light of the frequent breaches of electronic databases.

One requirement in the law is that pharmacies must provide individualized notices to patients when they pick up a prescription subject to the program. Pharmacies only wanted to post a sign, which would not have given meaningful notice

or important information, including patient rights. Once the administrative rules were finalized and pharmacies "discovered" they were required to give individual notice as the law clearly states, they attempted to amend the law to delete that requirement. We defeated one attempt in the Senate Judiciary Committee and other attempts in the Rules Committees up to the very last day of session. **WIN (amendments died in committees)**

Driver License Data Harvesting (HB 2615)

In 2009, the ACLU successfully sponsored legislation that restricts the swiping of the barcodes on Oregon Driver Licenses (ODL) through an electronic reader. The barcodes contain significant personal information, including name, date of birth (DOB), address, height, weight, gender, driver license number, driving restrictions and donor status. As more personal information is amassed in databases, the likelihood increases that the information will be misused or stolen, leading to increased risks of identity theft.

Our attempts to negotiate were met with silence...

In 2009 we negotiated with what we thought were all the stakeholders, including Associated Oregon Industries, the Oregon Mortgage Lenders Association, and the wireless telecom providers. The result was a compromise that allowed the swiping of an ODL only by certain types of businesses, and for very limited purposes (fraud, age verification, check services, and, at the discretion of the consumer, to open a wireless account). The law also prohibits any use of the data for any other purpose (including marketing) and limits the data collection to name, address, DOB and ODL number. However, it does permit the authorized businesses to permanently retain those four datasets.

This session HB 2615, introduced by the Oregon Bankers Association (OBA) and sponsored by Rep. Mike Schaufler (D-Happy Valley), would have given unlimited authority to financial institutions, including international banks, to swipe an ODL for any purpose. We testified that this is inconsistent with the 2009 law and agreed to discuss a narrower approach consistent with current law. AT&T, one of the wireless providers we negotiated with in 2009, also proposed an amendment to HB 2615 to allow wireless providers to collect the ODL expiration date. Since ODL expiration has no relevance to opening or maintaining a wireless account, we opposed this as well.

Our attempts to negotiate were met with silence, and we opposed HB 2615 when it came to the House floor for a vote. We did not expect to stop HB 2615 from passing the House, so we were pleased that it passed by only a narrow margin, 35-23. We worked to get it assigned to the Senate General Government, Consumer and Small Business Committee (over the objection of the sponsors), where the bill died without a hearing. **WIN (passed House 35-23; died in Senate) SCORECARD.**

REPRODUCTIVE FREEDOM

20-week abortion ban (HB 3512)

HB 3512, sponsored by almost all House Republicans, would have prohibited a woman from obtaining an abortion after 20 weeks of pregnancy except in very limited circumstances. We testified that HB 3512 is unconstitutional under U.S. Supreme Court precedent. It received a one-hour informational hearing in the House Judiciary Committee. **WIN (died in committee).**

CRIMINAL JUSTICE:

DNA from Arrestees (SB 881)

While there were numerous criminal justice proposals this session, this report focuses on two. SB 881, introduced by Sen. Jackie Winters (R-Salem) would have allowed the collection of DNA from those arrested for certain crimes. We testified against SB 881 because it raised serious constitutional issues by authorizing the collection of biological evidence from individuals prior to any determination of guilt and without a court order.

When the Oregon Supreme Court upheld post-conviction testing for certain crimes, it made clear the decision was based on the fact that the collection occurred only after the person had been convicted. **WIN (died in committee).**

Statute of Limitations (HB 3057)

We also opposed HB 3057, introduced by Reps. Dave Hunt (D-Gladstone), Margaret Doherty (D-Tigard) and Jeff Barker (D- Aloha), which would have removed any statute of limitations for sex-related crimes if the victim were under the age of 18 at the time of the alleged crime. Under this bill, a person could be charged with a crime decades after the alleged event. Current law provides expanded statutes of limitations for sex-related crimes, including prosecution up to 25 years after the crime, and no limitation for first-degree crimes, if there is DNA evidence.

The statute of limitations provides important safeguards designed to guarantee a fair trial. Prosecution within a few years of the crime allows a defendant to find and call witnesses and otherwise prepare a defense. As more time elapses between the crime and the trial, it becomes increasingly difficult, if not impossible, for an innocent person to prepare a meaningful defense – memories are lost, witnesses have died and exculpatory evidence is no longer available. The ACLU testified against HB 3057, and we were pleased that after a vigorous debate and discussion in the House Judiciary Committee the bill did not advance. **WIN (died in committee).**

We believe that the complicated issues surrounding immigration need to be addressed at the federal level and not by restricting drivers licenses.

EQUAL PROTECTION:

Private Prisons for Immigrants (HB 3682)

HB 3682 was introduced at the end of session and would have authorized the Oregon Department of Corrections (DOC) to

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send inmates to out-of-state *private* prisons. We heard, however, the proposal was intended to apply only to inmates whose immigration status is in question. The ACLU strongly opposes the use of private prisons, as does the Oregon DOC. Fortunately, because it was introduced so late, it was never heard, but we expect to see this proposal again in future sessions. **WIN (died in committee).**


photo by Kate Horton

ACLU of Oregon 2011 Lobby Day attendees

Driver Certificates (SB 845)

The ACLU supported SB 845, which would have created driver certificates for the limited purpose of providing identification related to driving, thus ensuring that all individuals on the roads have passed the written and practical test on the basic operations of a motor vehicle and obtained vehicle insurance. We believe that the complicated issues surrounding immigration need to be addressed at the federal level and not by restricting access to driver licenses. Our concerns were shared by retired Hillsboro Chief of Police Ron Louie, who testified in 2008 that restricting access to driver licenses makes all of us less safe on the roads. We testified in support of SB 845, but it received only a "courtesy" hearing in the Senate Business, Transportation & Economic Development Committee. **LOSS (died in committee).**

PUBLIC RECORDS

Restricting Access (SB 392)

As expected, the Oregon Health & Science University (OHSU) animal primate research center sought a renewal of its special public records exemption that allows the redaction of the names of individuals involved in animal research. Two years ago, OHSU was given a two-year extension with the understanding it would work with stakeholders such as the ACLU to see if there could be a way to address our concerns. Instead, OHSU spent the last two years bringing legislators to its facility to introduce them to the primate center researchers. Unfortunately, the bill passed quickly through both chambers with barely any questions.

We testified against SB 392 because we believe that access to public records should be preserved so that public interest groups and the news media can sufficiently investigate and report on issues affecting the use of public funds. In the past, access to animal health care records, including the specific researcher's name, allowed comparison of the specific project's animal care protocols with the actual animal treatment logs and exposed serious animal care issues at OHSU, resulting in needed reforms. While OHSU testified the law is needed for the safety of its researchers, OHSU undermines that argument by posting the names of its primate researchers on its website with details about their research projects and, in many cases, the researcher's photograph.

Since the law was originally passed a number of years ago, OHSU has kept a log of how it handles public records requests and at one point implemented a written policy that explicitly authorized unrestricted access to records for the news media but specifically restricted access for animal watchdog groups or individuals not known to OHSU. This may explain why, despite media objections to other legislative efforts limiting public records disclosures, no media organizations testified in opposition to this law. Under SB 392, the exemption was renewed for another four years. The ACLU issued a floor statement in opposition. Only Rep. Mary Nolan (D-Portland) stood by the ACLU on this issue and voted "no." **LOSS (passed Senate 29-0 and House 57-1) SCORECARD VOTE.**

DRUG REFORM

Medical Marijuana (SB 777 & HB 3664)

The ACLU submitted written testimony in opposition to SB 777, which would have significantly weakened the Oregon Medical Marijuana Act (OMMA). Passed by voters in 1998, the OMMA permits Oregonians suffering from debilitating medical conditions to use marijuana to relieve their symptoms without being in violation of Oregon criminal law. SB 777 would have dramatically restricted the list of debilitating conditions and related symptoms approved for medical marijuana use and barred the Oregon Health Authority from expanding the list, although it has only done so only once in 13 years, despite many requests. In short, along with other proposed changes, SB 777 would have interfered with the doctor/patient relationship by dramatically limiting a doctor's ability to make appropriate medical recommendations to patients. **WIN (died in committee).**

The ACLU testified against HB 3664, which essentially would have ended the OMMA. We joined a room full of advocates before the House Rules Committee and testified in opposition as part of an invited panel. Proposed by Rep. Andy Olson (R-Albany) with the support of law enforcement, under HB 3664, a physician would have been required to state that the use of medical marijuana *will* mitigate a patient's symptoms or the effects of the patient's debilitating medical condition. The current law requires only that a doctor state it *may* mitigate symptoms or affect condition. Of course, when a physician prescribes any kind of medication, it is never guaranteed that the medication will help the patient's medical condition. No physician would have recommended the use of medical marijuana if the law required stating unequivocally that use would mitigate symptoms or affect the debilitating condition. **WIN (died in committee).**

LEGAL BRIEFS

Free speech and LGBT rights

It's hard being different, maybe even harder in rural Oregon communities. That's one reason the Umatilla Morrow Alternatives (UMA) was founded in 2004. UMA works in Umatilla and Morrow counties "to promote cultural awareness, diversity, outreach, education and leadership, particularly with regard to the gay and lesbian community and people of color."

In Morrow County one of the community highlights is the city of Irrigon's Annual Watermelon Festival and Parade each July. In 2008, UMA applied for a booth and parade entry, but the application was rejected. UMA skipped 2009 and then applied in 2010. Again, the entry was denied, and UMA's attempts to find out why were stonewalled.

Before the 2011 event, UMA came to the ACLU of Oregon for help. Through our cooperating attorney, Thomas Freedman of Pearl Law LLC, we sent a letter and festival application on behalf of UMA to the festival's public decision-makers, making clear that if we were not able to amicably work out UMA's participation we would go to court to vindicate UMA's constitutional right to free speech to participate in this publicly-sponsored event. Our efforts were successful in securing UMA's participation in the festival and parade this past July.

The festival organizers were accommodating but not exactly welcoming to the UMA members. This is a reminder that the law can only take us so far in our quest to ensure that civil liberties and civil rights are protected and respected. And it is why ACLU's work, in Oregon and around the country, cannot be directed to courts alone but must also reach the hearts and minds of our fellow community members.

Personal autonomy

ACLU Foundation of Oregon recently filed comments with the Secretary of State regarding a ballot measure proposal for a so-called "Human Life" amendment to the Oregon constitution (Initiative Petition 22).

The proposed measure would create a new definition of human life and grant individual rights to "unborn offspring" through "every stage of biological development, including fertilization." This proposed "right to life guarantee" would not apply to a person who has received a death penalty sentence.

The proposal is very similar to proposals filed in 2008 and 2010. ACLU filed comments on those earlier proposals, successfully arguing that the proposed ballot titles were inaccurate and that the proposed measure failed the constitutional requirements for amending the state constitution.

Initiative Petition 22, if qualified for the ballot and approved, would outlaw all abortions and certain birth control methods, as well as restrict many end-of-life options such as withdrawal of life support or use of pain medications if the medications hasten death.

Last year, we had to go to court to keep a similar initiative petition (IP 30–2010) from advancing through the certification and signature gathering process. We hope it will not be necessary to go to court on this proposal, but we will do so if necessary.

Our cooperating attorneys in this matter (and the earlier versions) are Gregory Chaimov and Alan Galloway of David Wright Tremaine LLP.

Immigrant rights

Earlier this year, in conjunction with ACLU's National Immigrant Rights Project, the ACLU of Oregon filed an amicus brief in the 9th Circuit Court of Appeals case Martinez v. Medina requesting that the court rehear the case en banc.

We requested a rehearing because the court's decision in effect at the time suggested that local law enforcement could hold someone for up to two hours–solely based on the belief that the person was unlawfully present in the United States–without violating the Fourth Amendment. Such a finding would undermine Oregon's law (ORS 181.850) prohibiting expenditures by local law enforcement to act as immigration officers.

Years ago Oregon recognized the importance of all residents being able to report crime and cooperate with law enforcement without the fear that their communities would be rounded up and questioned for unrelated immigration matters.

The court denied our motion for a rehearing and instead amended the previous opinion it had issued to clarify the differences between federal civil and criminal immigration law. The court specifically reaffirmed the decision in Gonzales v. City of Peoria, which observed that a person who is unlawfully present in the country only commits a civil violation. Additionally, the court clarified that a person's admission of their illegal presence, without more evidence, does not provide probable cause to suspect the person of the criminal violation of illegal entry.

Even though the court didn't grant our request, the outcome still had the desired effect.

Abuse of Power and Medical Marijuana

Oregon sheriffs are elected to uphold the laws of the State of Oregon, and they are responsible for not violating the laws of the United States. So what happens when a sheriff invokes a federal law to deny a person a right that he or she clearly has under Oregon law?

That's exactly the question that arose in a number of cases that recently went to the Oregon Supreme Court. The sheriffs of Jackson and Washington counties were denying people concealed handgun permits even though the applicants clearly qualified for the permits under Oregon law. The applicants admitted being medical marijuana patients, and the sheriffs took the position that a federal law barred them from possessing firearms because they use a controlled substance.

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ACLU 2011 OREGON LEGISLATIVE SCORECARD

HOW WE CREATE OUR SCORECARD:

We like to make sure that legislators know the ACLU's position on important civil liberties issues prior to voting. We do this by distributing floor statements explaining our position and urging either a "Yes" or "No" vote. When the legislative session is over, we review the key civil liberties floor votes, and we strive to include a sample of votes that best represents the full range of civil liberties and civil rights issues voted on by either the House or Senate.

Historically, there have almost always been enough votes to give an accurate picture of where individual legislators stand on ACLU issues. In 2011, that was not possible because so few of our priority bills (pro and con) made it out of committee for floor votes. This year that was a good thing, because the vast majority of our priority bills would have damaged civil liberties if they had passed. However, that means that the 2011 Scorecard does not provide a complete reflection of the views of your legislators on civil liberties and civil rights.

CAUTION: Because there were so few scorecard votes in the 2011 legislative session, only two in the Senate and four in the House, we are not providing percentage rankings this year. We always urge you to use this information to start a conversation with your legislators about the importance of civil liberties, but that is especially true this year.

Scorecard Legend

Votes that matched ACLU's position are recorded as:
Y = "Yes" vote **N** = "No" vote **E** = "Excused"

Senate Votes

SB 392: Limits access to public records of OHSU animal researchers (ACLU opposed – passed) Senate Vote: 29-0

SB 731: Requires retention of biological (DNA) evidence for serious crimes up to 60 years to allow for innocence claims (ACLU supported – passed) Senate Vote: 29-0

House Votes

HB 2615: Gives unlimited authority to banks to swipe driver license barcode with an electronic reader to collect personal information (ACLU opposed – passed House; died in Senate Committee) House vote: 35-23

HB 3241: Restricts protests at funerals of service members (targeting the Phelps family's Westboro Baptist Church) (ACLU opposed – passed House; died in Senate Committee) House Vote: 55-3

SB 392: Limits access to public records of OHSU animal researchers (ACLU opposed – passed) House Vote: 57-1

SB 731: Requires retention of biological (DNA) evidence for serious crimes up to 60 years to allow for innocence claims (ACLU supported – passed) House Vote: 60-0

LOBBY DAY 2011

More than 50 ACLU members from around the state came to Salem on April 7 to take part in Lobby Day at the state capitol. They met with 37 legislators to discuss civil liberties issues and to tell them "Don't mess with our Bill of Rights!"

In the morning, ACLU activists learned the ins and outs of citizen lobbying through presentations by ACLU Legislative Director Andrea Meyer, ACLU Executive Director David Fidanque, Rep. Mary Nolan, Sen. Susan Bonamicci and lobbyist Dave Barrows. In the afternoon, people met with their own legislators to support the DNA Evidence Retention Law (SB 731) and oppose proposals that would amend the Oregon Constitution to weaken our right to free expression (HJR 34 and 35, SJR 28) and allow law enforcement to stop and question people without cause. (HJR 25).

Lobby Day participants spoke on behalf of over 11,000 ACLU members in the state, folks who believe that the freedoms of press, speech, assembly and religion, and the rights to due process, equal protection and privacy are fundamental to a free people. By meeting with their legislators in person, their message was heard loud and clear.

We thank all of the Lobby Day activists for participating in our democracy.

photo by Kate Horton

ACLU members observe a floor session of the Oregon House of Representatives.

ACLU 2011 OREGON SENATE SCORECARD

	2011 SENATE VOTES	
	SB 392	SB 731
ACLU Position	**NO**	**YES**
Jason Atkinson (R)	E	**Y**
Alan C Bates (D)	Y	**Y**
Lee Beyer (D)	Y	**Y**
Suzanne Bonamici (D)	Y	**Y**
Brian Boquist (R)	Y	**Y**
Ginny Burdick (D)	Y	**Y**
Peter Courtney (D)	Y	**Y**
Richard Devlin (D)	Y	**Y**
Jackie Dingfelder (D)	Y	**Y**
Chris Edwards (D)	Y	**Y**
Ted Ferrioli (R)	Y	**Y**
Larry George (R)	Y	**Y**
Fred Girod (R)	Y	**Y**
Mark Hass (D)	Y	**Y**
Betsy Johnson (D)	Y	**Y**
Jeff Kruse (R)	Y	**Y**
Laurie Monnes Anderson (D)	Y	**Y**
Rod Monroe (D)	Y	**Y**
Frank Morse (R)	Y	**Y**
David Nelson (R)	Y	**Y**
Alan Olsen (R)	Y	**Y**
Floyd Prozanski (D)	Y	**Y**
Diane Rosenbaum (D)	Y	**Y**
Chip Shields (D)	Y	**Y**
Bruce Starr (R)	Y	**Y**
Chris Telfer (R)	Y	**Y**
Chuck Thomsen (R)	Y	**Y**
Joanne Verger (D)	Y	E
Doug Whitsett (R)	Y	**Y**
Jackie Winters (R)	Y	**Y**
# Agree with ACLU	**0**	**29**

ACLU 2011 OREGON HOUSE SCORECARD

	2011 HOUSE VOTES			
	HB 2615	HB 3241	SB 392	SB 731
ACLU Position	**NO**	**NO**	**NO**	**YES**
Jules Bailey (D)	**N**	**N**	Y	**Y**
Jeff Barker (D)	Y	Y	Y	**Y**
Phil Barnhart (D)	**N**	Y	Y	**Y**
Cliff Bentz (R)	Y	Y	Y	**Y**
Vicki Berger (R)	Y	Y	Y	**Y**
E. Terry Beyer (D)	**N**	Y	Y	**Y**
Deborah Boone (D)	**N**	Y	Y	**Y**
Katie Eyre Brewer (R)	**N**	E	Y	**Y**
Peter Buckley (D)	**N**	Y	Y	**Y**
Kevin Cameron (R)	Y	Y	Y	**Y**
Ben Cannon (D)	**N**	Y	Y	**Y**
Brian Clem (D)	Y	Y	Y	**Y**
Jason Conger (R)	Y	Y	Y	**Y**
Jean Cowan (D)	Y	Y	Y	**Y**
Michael Dembrow (D)	**N**	Y	Y	**Y**
Margaret Doherty (D)	**N**	Y	Y	**Y**
Sal Esquivel (R)	Y	Y	Y	**Y**
Lew Frederick (D)	**N**	Y	Y	**Y**
Tim Freeman (R)	**N**	Y	Y	**Y**
Bill Garrard (R)	Y	Y	Y	**Y**
Chris Garrett (D)	**N**	Y	Y	**Y**
Sara Gelser (D)	**N**	Y	Y	**Y**
Vic Gilliam (R)	Y	Y	Y	**Y**
Mitch Greenlick (D)	**N**	Y	Y	**Y**
Bruce Hanna (R)	Y	Y	Y	**Y**
Chris Harker (D)	**N**	Y	Y	**Y**
Wally Hicks (R)	E	Y	Y	**Y**
Paul Holvey (D)	**N**	Y	Y	**Y**
Val Hoyle (D)	**N**	Y	Y	**Y**
John Huffman (R)	Y	Y	Y	**Y**
Dave Hunt (D)	Y	Y	Y	**Y**
Bob Jenson (R)	Y	Y	Y	**Y**
Mark Johnson (R)	Y	Y	Y	**Y**
Bill Kennemer (R)	Y	Y	Y	**Y**
Betty Komp (D)	Y	Y	Y	**Y**
Tina Kotek (D)	**N**	**N**	Y	**Y**
Wayne Krieger (R)	Y	Y	Y	**Y**
Shawn Lindsay (R)	Y	E	E	**Y**
Greg Matthews (D)	Y	Y	Y	**Y**
Mike McLane (R)	Y	Y	Y	**Y**
Nancy Nathanson (D)	**N**	Y	Y	**Y**
Mary Nolan (D)	**N**	**N**	**N**	**Y**
Andy Olson (R)	Y	Y	Y	**Y**
Julie Parrish (R)	Y	Y	Y	**Y**
Tobias Read (D)	Y	Y	Y	**Y**
Dennis Richardson (R)	E	Y	Y	**Y**
Arnie Roblan (D)	Y	Y	Y	**Y**
Mike Schaufler (D)	Y	Y	Y	**Y**
Patrick Sheehan (R)	Y	Y	Y	**Y**
Greg Smith (R)	Y	Y	Y	**Y**
Jefferson Smith (D)	**N**	Y	Y	**Y**
Sherrie Sprenger (R)	**N**	Y	Y	**Y**
Kim Thatcher (R)	Y	Y	Y	**Y**
Jim Thompson (R)	Y	Y	E	**Y**
Carolyn Tomei (D)	**N**	Y	Y	**Y**
Matt Wand (R)	Y	Y	Y	**Y**
Jim Weidner (R)	Y	Y	Y	**Y**
Gene Whisnant (R)	Y	Y	Y	**Y**
Matt Wingard (R)	Y	Y	Y	**Y**
Brad Witt (D)	Y	Y	Y	**Y**
# Agree with ACLU	**23**	**3**	**1**	**60**

BANNED BOOKS CONTINUED FROM PAGE 1

Banned Books Week Events

Portland

Banned Books Reading at Powell's Books

Sunday, Sept. 25
7:30 p.m.
Powell's City of Books
1005 W Burnside, Portland

Andi Zeisler (*Bitch magazine*), Courtney Hameister (OPB's *Live Wire!*), Jonathan Hill (*Americus*), B. Frayn Masters (*Back Fence PDX*), O'Henry award winning author Arthur Bradford (*Dogwalker*), and *New York Times* bestselling author Chelsea Cain (*Heartsick, Sweetheart, Evil at Heart*) raise their voices in support of freedom from censorship.

UNCENSORED Celebration

Saturday, Oct. 1
Doors at 8 p.m.
Someday Lounge
125 NW 5th Ave, Portland
$7 donation

Celebrate freedom of expression in style at the ACLU of Oregon's Uncensored Celebration. Featuring performances by Burlesquire, Portland's favorite "boy-lesque" dance group, the party music of Purple & Green, The Jackalope Saints, DJ Tropical Depression, and more. You don't want to miss our annual party for freedom! Plus, we'll be giving away fabulous door prizes, courtesy of Laurelhurst Market, Clyde Common, Crema, Zanana Spa, Murder by the Book, and Luna Hair Studios.

Tickets are available online at www.aclu-or.org or at the door.

ACLU President Susan Herman at Powell's Books

Monday, Oct. 3
7:30 p.m.
Powell's City of Books
1005 W Burnside, Portland

ACLU of Oregon and Powell's Books are proud to welcome Susan Herman, ACLU national board president, to talk about her new book *Taking Liberties: The War on Terror and the Erosion of Democracy.* In this eye-opening work, Herman takes a hard look at the human and social costs of the War on Terror. This book is a wake-up call for all Americans, who remain largely unaware of the post-9/11 surveillance regime's insidious and continuing growth.

Lane County

Eugene Banned Book Read-Out!

Saturday, Sept. 24
Noon-2 p.m.
Eugene Public Library
100 W 10th Ave., Eugene

The Lane County ACLU chapter is proud to organize this Eugene event to celebrate freedom of speech, intellectual freedom, and freedom from censorship. Eugene Mayor Kitty Piercy will kick off the readings.

Springfield Banned Book Read-Out!

Saturday, Oct. 1
2 p.m.-4 p.m.
Springfield Public Library
225 5th St., Springfield

The Lane County ACLU chapter is proud to organize this Springfield event to celebrate freedom of speech, intellectual freedom, and freedom from censorship. Springfield Mayor Christine Lundberg will kick off the readings.

Each year, thanks to a generous donation, the ACLU of Oregon sends out thousands of "I Read Banned Books" buttons to libraries and bookstores. In 2010, we distributed buttons to more than 279 libraries and 10 bookstores in 32 counties across the state. Look for the bright yellow buttons in your local library, and wear one to show your support for intellectual freedom!

For a full list of events and challenged books in Oregon, please visit our website – www.aclu-or.org

ACLU HELPS TEEN ATTEND GRADUATION

Heading into spring break, Tori Armenta was in the home stretch of a very full senior year at Nyssa High School.

Teachers reported to Tori and her parents that Tori was on track with her course work and senior project. Tori was pitching on the varsity softball team, working hard to improve her grades over past years, and had completed a 120 hour Certified Nursing Assistant program at the College of Western Idaho.

Yet upon her return from spring break, Tori was informed by a teacher that she was failing her senior project and would not graduate.

What had changed in the 12 days since Tori was told that her senior project was on track? Tori had admitted to her parents and school officials that she was eight months pregnant.

Tori's parents were surprised that she had been able to hide her pregnancy from them, but they were supportive of their daughter. Unfortunately, at school something less supportive was happening. It soon became clear to Tori and her parents that Tori was going to fail her senior project based on the teacher's and administrators' comments.

Believing they had no other way to help Tori graduate, the Armentas approached the alternative high school for help. Tori was admitted into the alternative program. Her new teacher not only passed her but expressed disbelief that Nyssa High School was failing her on this project.

Tori and her family were relieved she would graduate from high school, but they also wanted Nyssa High School to treat Tori fairly. Tori had been told she could not attend the senior prom or walk with her class at graduation.

Frustrated, Tori's dad called the ACLU of Oregon. Tori had already missed her prom, but ACLU of Oregon Legal Director Kevin Díaz was determined that Tori would get to walk with her class at graduation. Kevin called the high school principal and explained that the timing of Tori's pregnancy becoming public and newly identified difficulties with her senior project were troubling.

Oregon law prohibits "any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation on the basis of sex and other protected classes." Courts have made it clear that to treat a woman differently because she is pregnant is to discriminate on the basis of gender.

We are pleased to report that the principal quickly agreed

Tori's graduation day

that Tori would be allowed to walk with her class at graduation and to participate in any other senior class activities. And on May 22, Tori walked, in her cap and gown, to receive her diploma with her family and 2-week-old baby daughter in the audience.

ACLU has been fighting for women's rights for decades, and it is disturbing that in 21st century America women continue to be treated differently based on their pregnancies and gender stereotypes.

Tori isn't the only woman to hide a pregnancy for fear of being treated unfairly. Supreme Court Justice Ruth Bader Ginsburg, who created the ACLU's Women's Rights Project in 1972, once found herself in a similar situation.

In an ACLU tribute to the legacy of Ruth Bader Ginsburg and the Women's Rights Project, the following story was shared: "When Ginsburg became an assistant professor of law at Rutgers Law School in 1963, pregnancy discrimination remained a tremendous barrier to working women. Fearing that her year-to-year contract would not be renewed if her pregnancy showed, she took measures to conceal her state. 'I got through the spring semester without detection, with the help of a wardrobe one size larger than mine, borrowed from my mother-in-law,' she recalls. She ultimately gave birth before the fall semester began."

Congratulations, Tori! And thank you to the Armenta family for having the courage to stand against this unfair treatment. Tori's case is just one example of how the ACLU regularly makes a difference in the lives of Oregonians.

LEGAL BRIEFS, CONTINUED FROM PAGE 7

The Oregon Supreme Court carefully looked at the issue, which is referred to as "federal obstacle preemption." The court examined whether Oregon's concealed handgun statute in some way frustrates, or presents an obstacle, to enforcement of the federal government's Federal Gun Control Act.

After a detailed analysis, the Oregon Supreme Court largely agreed with our amicus and said that no such preemption existed because a concealed handgun permit only prevents prosecution from Oregon law and does not, in and of itself, grant a right to possess a firearm. Therefore, the laws are not in direct conflict with each other and the sheriffs have no basis to not comply with Oregon law.

The upshot is that even when local sheriffs disagree with state law, they are bound to comply with it and shouldn't go looking for reasons to deprive people's rights. The sheriffs have requested that the U.S. Supreme Court grant certiorari to have the Oregon Supreme Court decision overturned. Margaret Leiberan of Jensen & Leiberan PC, was our cooperating attorney on this case.

OREGON LEGISLATIVE DIRECTOR ANDREA MEYER TO WORK FOR NATIONAL ACLU

Andrea Meyer

Andrea Meyer has been recruited to be the National ACLU's first associate director of advocacy and policy.

In her new position, based at ACLU headquarters in New York, Andrea will play a major role in the Affiliate Support and Advocacy Department's State Advocacy team. Her primary focus will be the development of affiliate legislative programs nationwide.

While we are thrilled that Andrea will be staying within the ACLU family, she will be greatly missed in Oregon. Since 1999, Andrea has been the face of the ACLU of Oregon in our state capitol and Portland City Hall, advancing and protecting civil liberties.

As you read Andrea's summary of the 2011 legislative session in this issue of the newsletter, you will get a flavor of the breadth and pace of Andrea's work on behalf of our civil liberties. Few people understand the incredible job Andrea performed in Salem on behalf of the ACLU during the 12 years she was our chief lobbyist. Andrea prevented numerous anti-civil liberties bills from becoming law – with nothing but the Bill of Rights and her powers of persuasion to bring to bear.

Andrea has always done her homework and comes to every situation prepared with facts and strategies to be presented with grace and humor. She has been a consistent, unwavering, and – too often – lone advocate for civil liberties and civil rights in both Salem and Portland.

In addition to her lobbying work in Salem, Andrea has had many extraordinary accomplishments:

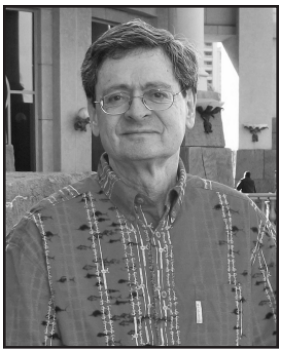
- She played a pivotal role in organizing our outreach efforts and preparing training for cooperating attorneys willing to provide legal support for area Muslim men interviewed by the FBI in the aftermath of 9/11.
- She organized a coalition of more than 60 organizations to successfully prevent the repeal of Oregon's laws that prohibit state and local police from investigating lawful political, religious and social activities of individuals and organizations (ORS 181.575) and enforcing federal immigration law unless a person has already been arrested (ORS 181.850).
- Andrea's efforts were key to many ballot measure victories, including statewide campaigns on victims' rights (1999) and censorship (M87-2000), plus dozens of measures that never made the ballot because of her work on ballot title comments and pre-election legal challenges.
- In recent years, Andrea has led the efforts to preserve and enhance privacy protections in Oregon, including the opt-out for anonymous genetic research, opposition to the pharmacy database and preserving patient control over digital medical records, and legislating restrictions on the digital "swiping" of bar codes on driver licenses for commercial purposes.
- In Portland, Andrea's biggest victory was our work related to the city's involvement with the FBI Joint Terrorism Task Force. The council's resolution on that issue is already being used as a model by our ACLU colleagues in San Francisco and Oakland.

Thank you, Andrea, for being a tireless advocate of the ACLU of Oregon and a wonderful colleague. We wish you the very best in this new chapter of your career.

2011 Annual Meeting

Sixty-five ACLU members gathered at our annual membership meeting in May to hear updates about ACLU of Oregon and attend an interactive workshop on the history of race in Oregon, facilitated by Kim Feicke of the Center for Equitable and Effective Leadership at Lewis & Clark College.

VOLUNTEER SPOTLIGHT: STUART KAPLAN



Stuart Kaplan

Longtime ACLU volunteer, former ACLU board president, former national board representative

Stuart Kaplan first got involved as a volunteer with the ACLU of Oregon 20 years ago, working on a privacy committee.

The committee's first task was drafting the ACLU of Oregon's policies on Aid-in-Dying and Medical Care Decisions. Those policies laid the groundwork for the ACLU's support of the Oregon Death with Dignity Act.

Soon after, Kaplan joined the state board of directors, and since then he has filled many leadership positions, including seven years as Oregon's representative to the ACLU national board of directors and five years as the state board president. Kaplan's term as board president ended in May of this year.

Kaplan volunteers for the ACLU because he learned early on that one must always be on guard from abuses of government authority. While growing up in Southern California in the 1950's he witnessed the witch hunts that the House Un-American Activities Committee was conducting in the entertainment industry. Many people in Hollywood, including some friends of Kaplan's family, suffered terrible personal and professional consequences when they were labeled as subversives. He saw the terrible consequences on their careers and personal lives.

When Kaplan went off to college at the University of California at Berkeley, freedom of speech and the right to protest were on many students' minds. He was greatly influenced by the issues, and even more so by witnessing police roughing up student protesters on campus. Kaplan took these formative experiences and turned them into a life of proactive service, protecting civil liberties and civil rights through volunteering with the ACLU.

Kaplan worked for 31 years as a communications professor at Lewis & Clark College before retiring in 2010. During that time Kaplan taught many courses in argumentation, examined court room argument, freedom of the press and free speech media, and a course on civil liberties for incoming freshmen. He lives in Portland with his wife, Shirley, who is a public school librarian.

We thank Stuart for his dedication and commitment to the ACLU.

Find us on **Facebook**

www.facebook.com/ACLUofOregon

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IN THE FIELD

Lane County

Lane County Chapter and South Eugene High School Student Club Team Up for Free Speech Forum

Building on the great success of their 2010 4J Student Free Speech Forum, the Lane County Chapter and South Eugene High School ACLU Club are busy planning their next cooperative event to take place on Nov. 30.

This public forum will bring 4J students together to discuss the importance of protecting freedom of expression as well as the privacy challenges faced by students as they navigate on campus and online. Eugene Mayor Kitty Piercy will be moderator for the panel, posing questions for the student panelists. Questions will also be taken from the audience. This event will take place in the Bascom-Tykeson Room of the Eugene Public Library from 4-6 p.m. Nov. 30. It is free and open to the public.

Banned Books Read-outs in Lane County

In late September, the Lane County Chapter will celebrate free expression and the freedom to read with two Banned Books Read-outs at the Eugene and Springfield Libraries.

These events, co-sponsored by the Eugene and Springfield Public Libraries, will highlight the ongoing challenges to our freedom to choose what we read and publish. Every year, school and community libraries are asked to remove books from their shelves. The Banned Books Read-Outs will feature community members reading selections from books regularly targeted for censorship, such as the classic To Kill a Mockingbird and modern novels like the Harry Potter series. Mayor Piercy will kick off the Eugene Public Library Banned Book Read-out at noon on Sept. 24. The program will continue until 2 p.m. in the atrium.

The Banned Books Read-outs will feature...selections from books regularly targeted for censorship, such as the classic To Kill a Mockingbird...

Springfield Mayor Christine Lundberg will read the first selection at the Springfield Public Library Read-out on Oct. 1. The Springfield event will be from 2-4 p.m. in the main room of the library.

Benton-Linn Chapter

The Benton-Linn Chapter's Digital Privacy forum, held in April, brought technical experts, digital media practitioners and professors, and free expression advocates together for a compelling discussion about the trade-offs we make when engaging with social media or other online activities.

OSU New Media Commutations Professor William Loges and OSU Department of Forestry IT Network Administrator Ken West offered cautionary and practical advice to the audience about how to begin to push back against an online culture that assumes your personal information is up for sale. They were joined by Candace Morgan, ACLU of Oregon board member and career librarian, and Candice Rudd, a budding online journalist, in discussing the pros and cons of our new digital landscape and its impact on privacy and free expression. The intensity and depth of the resulting dialogue between panelists and the audience highlight the fact that reclaiming our digital privacy is an urgent matter for ACLU members.

The Benton-Linn Chapter will host a booth at the Corvallis Fall Festival on Sept. 24 and 25. Come by and check out the Banned Books display, pick up a Know Your Rights wallet card and meet your local chapter board members.

Southern Oregon

In the wake of recent resignations, the Southern Oregon Chapter is currently suspended, but that has not kept local ACLU members and supporters sidelined. They helped us successfully staff our booth at the Ashland Fourth of July Celebration and intend to host a booth at SO Pride on Oct. 1 in Ashland's Lithia Park.

While the future status of the chapter is still being decided, ACLU of Oregon is committed to continuing our activities in Southern Oregon. Field Organizer Claire Syrett recently held a series of meetings with ACLU members and community leaders in Ashland, Medford, Talent and Klamath Falls to solicit ideas for how ACLU can continue to be a viable resource for those communities, and to build new relationships with local community leaders and activists.

A general interest meeting is being planned for Sunday Oct. 2 from 12:30 – 2:30 pm in the Guanajuato Room of the Ashland Public Library (410 Siskiyou Blvd.)to bring together ACLU members and interested community members to brainstorm and plan for future ACLU activities in the area. Keep an eye out for a notice in the mail with further details.

We are seeking volunteers to help with our Pride booth on Oct. 1. Contact Field Organizer Claire Syrett for more information on how you can help. You can email her at csyrett@aclu-or.org.

Marion/Polk Counties

We are just beginning our efforts to engage members in Marion and Polk counties, and so far the results have been rewarding. In August we hosted a booth at Capitol Pride in Salem, where we made new friends and connected with longtime members.

We are looking forward to sponsoring the Salem Progressive Film Series as well as hosting a Bill of Rights Birthday Party in mid-December. Members in Marion and Polk Counties should expect to receive an invitation to that event in the mail.

If you live in Marion or Polk county and wish to be part of creating a local ACLU action network in your area please contact Field Organizer Claire Syrett by email: csyrett@aclu-or.org

NW CIVIL LIBERTIES CONFERENCE TO FEATURE NATIONAL ACLU LEGAL DIRECTOR STEVE SHAPIRO

The second annual ACLU Northwest Civil Liberties Conference, presented by the ACLU Foundation of Oregon, the Lewis & Clark Law School ACLU student group, and the Oregon Justice Resource Center, is set for Friday and Saturday, Oct. 28-29 at Lewis & Clark Law School.

This conference is an opportunity to bring together legal professionals and law students from around the region to explore civil liberties issues facing society.

This year's conference will feature national ACLU Legal Director Steve Shapiro. Shapiro will give an informative and lively U.S. Supreme Court briefing on Saturday afternoon.

The ACLU was involved in approximately 25 percent of the U.S. Supreme Court cases heard this past term. Shapiro has been ACLU legal director since 1993 and has been counsel or co-counsel on more than 200 Supreme Court cases. In addition to his work with the ACLU, Shapiro is also an adjunct professor of constitutional law at Columbia Law School and a frequent speaker and writer on civil liberties issues.

Opening the conference will be Steven T. Wax, federal public defender for the state of Oregon. Wax has defended detainees in Guantánamo and is the author of Kafka Comes to America. He is also one of the recipients of the ACLU of Oregon's 2009 Civil Liberties Award for his extraordinary commitment to representing individuals detained by the U.S. government at Guantánamo Bay.

Other topics at the conference will include Immigration Law and Civil Liberties; Reproductive Freedom; and First Amendment and National Security. ACLU executive directors from around the region, including Alaska, Hawaii, Idaho, Montana, Oregon and Washington, will also discuss civil liberties issues affecting their communities.

Approval is pending for 8.75 general continuing legal education (CLE) credits for attorneys. For the complete program schedule, registration rates and list of speakers, go to www.aclu-or.org/2011nwconference.

This event is sponsored in part by:

Lewis & Clark Law School

Law Office of Jossi Davidson LLC

Ater Wynne LLP

Tonkon Torp LLP

Kohlhoff & Welch

Cosgrave Vergeer Kester LLP

Legal Director Kevin Díaz (center) with ACLU summer legal interns Lowell Elliot, Lewis & Clark J.D. candidate '13; Jamie Graves-Kautz, University of Oregon J.D. candidate '12; Aaron Hersh, University of Iowa J.D. candidate '13; and Joseph Westover, Lewis & Clark J.D. candidate '13. The 10-week, full-time legal intern program is open to exemplary law school students with a passion for civil liberties and civil rights.

AMERICAN CIVIL
LIBERTIES UNION
OF OREGON
P.O. BOX 40585
PORTLAND, OR 97240-0585

WWW.ACLU-OR.ORG

ACLU Northwest
Civil Liberties Conference

October 28 – 29, 2011
Lewis & Clark Law School
Portland, Oregon

For more conference details see page 15.