



ISSUE 2, VOLUME 46, FALL 2010

ACLU CHALLENGE TO U.S. GOVERNMENT'S NO-FLY LIST FILED IN OREGON

Imagine showing up at the airport and being told you can't board the plane. You didn't receive any notice that you wouldn't be allowed to fly before trying to check in, nobody will confirm why you can't fly, and the only "process" in place to challenge the government's decision to keep you from flying will send you to an agency that has no authority to take you off the list.

Does this sound more like the United States or a Franz Kafka nightmare? This is exactly what is happening to dozens of people who have suddenly found themselves on the U.S. "No-Fly List" since the beginning of 2010.

On June 30, the National ACLU, along with the ACLU of Oregon and three other affiliates, filed suit in United States District Court in Portland to challenge the lack of due process in the government's handling of the No-Fly List. We are representing 17 U.S. citizens and legal permanent residents ("green card" holders), including four U.S. military veterans,



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who have been denied the ability to fly to or from the United States or even over U.S. airspace.

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PARTY WITH THE ACLU DURING UNCENSORED CELEBRATION ON SEPT. 29

You are invited to the ACLU Foundation of Oregon's annual Uncensored Celebration from 7 p.m. to midnight Sept. 29 at Holocene, Southeast 10th Avenue and Morrison in Portland.

The annual event is a celebration of freedom of expression that coincides with Banned Books Week. It features local authors, activists, intellectuals, artists and musicians.

During the first part of the evening, Andi Zeisler, Jil Freeman, Kevin Sampsell, David Agranoff and Tom Spanbauer

will read from banned books and speak about censorship issues and the importance of free speech. Sampsell, Agranoff and Spanbauer are all local authors; Zeisler is an editor and co-founder of Bitch Magazine; Freeman is a full-time instructor in the Department of Communications at Portland State University who teaches media literacy ranging from Noam Chomsky's Propaganda model to media ownership to the feminist debate around pornography.

Later in the evening, DJ Anjali, the Angry Orts and the Lifesavas will bring dancing and live music to the event. DJ Anjali is a staple in the Portland music and dance scene; the Angry Orts provide dance punk beats and infectious pop melodies that bounce and swagger; and the Lifesavas is a well-respected hip-hop group from Portland.

Make sure you check out this one-of-a-kind event. Celebrate yourself and celebrate free expression with the ACLU of Oregon. Tickets are \$5 in advance and \$7 at the door. Buy your tickets today at www.aclu-or.org/uncensoredcelebration.



Photo of 2009 Uncensored Celebration by Cameron Browne

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**AMERICAN CIVIL LIBERTIES UNION
of OREGON**

ACLU NATIONWIDE COLLABORATION & WHAT'S GOING ON FROM THE EXECUTIVE DIRECTOR



David Fidanque

I often get asked by ACLU members and friends what I think of the state of civil liberties in our country and what the ACLU is doing about it.

One of my answers is to point them to the ACLU's July 29 report on the first 18 months of the Obama Administration's national security policies. That report concluded that while the Administration has reversed Bush policies on torture and the CIA's secret overseas prisons, it has also expanded and institutionalized some of the worst Bush policies.

Our current challenge of the No-Fly List is an important example. The Obama Administration has greatly expanded the list of U.S. citizens and permanent residents who are not allowed to board a plane — even if they are willing to undergo intrusive security checks of themselves and their baggage. That's why ACLU is suing the FBI and the Justice Department to challenge their denial of essential due process protections that are guaranteed to all persons under our Constitution.

What changed to justify greatly expanding the No-Fly List this year? The obvious answer seems to be the so-called "underwear" bomber who attempted to take down Flight 253 to Detroit last December. But upon closer reflection, that doesn't make sense. After all, U.S. officials were warned about Umar Abdulmutallab's extreme views and erratic behavior by his own father in Nigeria months before.

Once again, U.S. intelligence agencies didn't connect the dots. Instead of focusing on hard leads, our intelligence agencies and the FBI continue to expand the failed practices of the past decade.

Finding those who are planning terrorist acts is like looking for a few needles in a haystack. Unfortunately, U.S. intelligence agencies have been too busy making the haystacks bigger by adding hundreds of thousands of names to various watch lists and engaging in dragnet electronic surveillance of hundreds of millions of phone calls, e-mails and other communication.

Of course, having thousands of leads based on such tactics only makes it less likely that the officials trying to keep us safe will stumble on someone who represents a real threat. The vast majority of the leads involve people who are completely innocent.

Our No-Fly List case is also a great example of how the ACLU has expanded our ability to collaborate nationwide on the big issues since Anthony Romero became Executive Director of the National ACLU in 2001.

It used to be unusual for National to collaborate with multiple affiliates simultaneously to challenge a federal policy. In addition to National and the Oregon affiliate, our No-Fly List challenge also includes assistance from the Northern California, Southern California and New Mexico affiliates.

Your ACLU is working on all levels to collaborate in the ways that will increase our chances of success in preserving — and expanding — civil liberties and civil rights. Whether the issue is national security, racial justice, marriage equality or police practices, we are always looking for ways to work together most effectively.

The current harsh economic times have forced us to cut staff and expenses. Over the past two years, National ACLU has trimmed 25% of its staff positions. We have cut 10% in Oregon.

In this climate, effective collaboration is not only the best use of our resources, it's essential.

Thanks again for all of your support.

ACLU REPORT: OREGON'S SCHOOL-TO-PRISON PIPELINE

The ACLU and many other organizations have long been concerned about the disproportionate punishment of young people of color.

There has been increasing evidence around the country that the “school-to-prison pipeline” begins with students of color receiving harsher punishment than their white peers in elementary and secondary public schools. The pipeline then “graduates” to a greater likelihood of intervention and incarceration in the juvenile justice system, and — eventually — a disproportionate percentage of inmates of color in the adult prison system.

This summer, we published a report that compiled Oregon public school disciplinary data for the 2008-09 school year broken out by race and ethnicity, along with data for the juvenile and adult corrections systems. Unfortunately, the pattern in Oregon mirrors the data from around the country. African American, Hispanic and Native American students here are all more likely to be disciplined than their white peers.

For example, although African American students represent about 3% of total Oregon students, they represent 7% of students who receive out-of-school suspensions. While Hispanic students represent about 17% of all students, they represent more than 25% of all students expelled. Native Americans represent about 2% of all students but more than 3% of students suspended. The high school dropout rates for all three groups are also much higher as well.

Once students are referred to the juvenile justice system, the disparities become greater. Once again, African Americans represent 3% of the youth population but 13% of those in “close” custody juvenile corrections facilities operated by the Oregon Youth Authority. Hispanics comprise 15% of the youth population but 25% of those in close custody.

We have called on officials in the Oregon Department of Education to compile and publish educational statewide dis-

OREGON'S
School-to-Prison
PIPELINE

OREGON'S school-to-prison pipeline is an urgent civil rights challenge in Oregon. Mirroring a national trend, the school-to-prison-pipeline in Oregon refers to the disproportionate punishment of students of color that begins with more serious punishment than their white peers in school and a greater likelihood of intervention by juvenile justice authorities. There is also ample evidence of disproportionate representation of people of color in the adult criminal justice system.

Current Oregon data shows a trend of criminalizing, rather than educating our state's children. It encompasses the growing use of zero-tolerance discipline, disciplinary alternative schools and juvenile arrests that marginalize our most at-risk youth and deny them access to education. With zero tolerance, behavior problems and infractions that used to be handled by teachers and school administrators are now effectively pushing students out of school and entangling many of them in the juvenile

comprehensive report in May 1994 demonstrating that "racial minorities are at a disadvantage in virtually all aspects of the Oregon court system."² In Oregon's juvenile justice system, the report concluded that, in comparable cases, children of color were more likely to be [1] arrested than their

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ciplinary statistics annually in a form designed for a general audience. We have also asked State Superintendent of Public Instruction Susan Castillo to provide the same information to school and other government leaders along with similar data for each individual school district.

If we are serious about eliminating discrimination based on race and ethnicity, regardless of whether that discrimination is intended or not, then collecting and publishing this data is important to allow the public and government officials to measure any progress in eliminating disproportionate impacts on our youth in public schools. It will also help in evaluating and pushing for more effective policies aimed at shutting off the school-to-prison pipeline at the front end.

You can find the full report online at: www.aclu-or.org.

HELP US OBSERVE BANNED BOOKS WEEK



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The ACLU of Oregon will celebrate the freedom to read with events throughout Oregon as part of Banned Books Week, Sept. 25 to Oct. 2.

The observance will include Read-Outs, the Uncensored Celebration and programs and displays at libraries and bookstores. The ACLU will also distribute 10,000 “I Read Banned Books” button through participating sites.

To find out if there is a Banned Books Week event near you, check the ACLU website (www.aclu-or.org). A sortable list of books challenged in Oregon since 1979 is also posted at the site.

Last year, 260 sites in 32 of Oregon’s 36 counties observed Banned Books Week.

The yearly event, sponsored by the American Library Association, has been observed since 1982. This is the fifth year that the ACLU of Oregon has participated in a coalition to observe Banned Books Week statewide. The other partners in the coalition include the Oregon Library Association Intellectual Freedom Committee, the Oregon Association of School Libraries Intellectual Freedom Committee and the Oregon State Library Intellectual Freedom Clearinghouse.

The American Library Association Intellectual Freedom Committee recognized the Oregon coalition last year for its 2008 observance of Banned Books Week, honoring it as the most innovative and effective project covering a state or region.

ACLU CHALLENGE TO NO-FLY LIST FILED IN OREGON (CONTINUED)...



Ayman Latif was prevented from boarding his flight in April.

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One such veteran is Ayman Latif. Mr. Latif is a U.S. citizen who was born and raised in Miami. He was disabled during his final year of service as a Marine as a result of a serious vehicle accident. Mr. Latif worked for the U.S. government for more than 14 years, both as a Marine and as an employee of the U.S. Postal Service. In November 2008, he moved with

his wife and family to Egypt so he could study Arabic. Shortly after the birth of their daughter, they purchased tickets on Iberia Airlines to travel from Cairo to Miami to visit relatives, including Mr. Latif's mother, who was elderly and very ill.

On April 13, 2010, Mr. Latif and his family tried to check in to their flight in Cairo. Upon reaching the front of the line Mr. Latif was surprised to be told that he could not board the plane. He asked to speak to a supervisor and explained that he and his family were U.S. citizens and he knew of no reason why they would not be permitted to fly to the United States. The supervisor informed Mr. Latif that the U.S. Embassy had sent the message that Mr. Latif was not permitted to board the flight. Mr. Latif called the U.S. Embassy in Cairo from his cell phone and was told to go there the next morning for more information, which he did. The following morning, Mr. Latif spoke with an embassy official and explained that he and his family had been denied boarding passes. The official stated that the U.S. Embassy had no information about why this had occurred and that he could not do anything about it. Mr. Latif was further told that embassy officials would look into the matter and asked him to be patient.

Of course, Mr. Latif urgently sought to find out why he and his family were denied the ability to board their flight. He called his congressional delegation, filled out an online Department of Homeland Security form and called the U.S. Customs and Border Protection information line in Washington, D.C. U.S. Customs and Border Protection told him to call the U.S. Embassy in Cairo and speak with the FBI liaison. He did so and was told that his complaint would be forwarded to the appropriate official. Mr. Latif ultimately received a call from a legal attaché. The legal attaché informed Mr. Latif that two FBI agents from Miami were traveling to Cairo to meet with him and that it could take several weeks to arrange for a meeting. About a month later, a U.S. Embassy official called Mr. Latif and asked him to come to speak with the agents.

Mr. Latif was questioned by the FBI agents for at least

four hours. At that time Mr. Latif was told he was on the No-Fly List. The following day Mr. Latif again met with the agents and was questioned for at least another four hours. At the end of the interrogation, the agents told Mr. Latif that they would file a report with FBI headquarters.

Around the middle of May, Mr. Latif's mother-in-law called from Florida to tell him that she had received correspondence from the U.S. Department of Veterans Affairs. He asked her to open it and found out that his VA benefits were to be cut significantly. Mr. Latif didn't understand why this was happening, so he contacted the VA and found out that he had missed a disability evaluation on April 15, 2010. Such evaluations take place in a veteran's hometown VA hospital, which would have been impossible because he was denied boarding on April 13, 2010. Ordinarily, if an individual misses a VA disability evaluation, the appointment is rescheduled for a later date, which is currently impossible because Mr. Latif is unable to fly from Egypt to the U.S. to attend a rescheduled appointment.

On June 1, six weeks after Mr. Latif was turned away from his flight to the United States, he went back to the U.S. Embassy in Cairo. He was told that the FBI was not satisfied with the report by the two agents and that the FBI was sending two other agents to Egypt to speak with Mr. Latif and to administer a polygraph test. Mr. Latif emphasized to the legal attaché that he was experiencing great hardship in not being allowed to fly to the United States, particularly because he was unable to attend a rescheduled disability evaluation with the VA.

On July 7, after the ACLU challenged the No-Fly List,

What started out as a much-anticipated trip to spend time with family and loved ones quickly descended into a Kafkaesque story in which the United States government was keeping Mr. Latif out of his own country.

the legal attaché in Cairo called Mr. Latif and told him he would be permitted to fly to the United States as a “one-time thing,” but that he could not guarantee that Mr. Latif would be able to return to Egypt by commercial air after this trip. Unfortunately, Mr. Latif does not have money to buy new tickets, and, as of this writing, Iberia Airlines is resisting booking him on a flight to return home. Further compounding Mr. Latif’s difficulties, he received a letter dated July 27 that informed him that the VA had reduced his benefits for his injuries to 0 percent effective Oct. 1, 2010.

What started out as a much-anticipated trip to spend time with family and loved ones quickly descended into a Kafkaesque story in which the United States government was keeping Mr. Latif out of his own country. Locally, U.S. citizens are facing similar hardships and not being allowed to travel for business and family reasons without explanation.

Mohamed Sheikh Abdirahman Kariye is a U.S. citizen and resident of Portland. He is also the imam, or religious leader, of Masjid As-Saber, the Islamic Center of Portland. This position requires Mr. Kariye to travel by commercial airplane to at least several speaking engagements and conferences a year. In addition, he has a daughter who is a high school student in Dubai.

In early 2010, Mr. Kariye sought to visit his daughter and booked tickets to travel by plane from Portland to Dubai via Amsterdam. On March 8, Mr. Kariye went to Portland International Airport to check in for his flight. After turning over his passport and airline ticket to the airline employee, Mr. Kariye was asked to wait. After at least two hours had passed, a police officer, detective and U.S. marshal approached Mr. Kariye at the counter. Two other government officials believed to be FBI agents stood a little farther away from him. The airline employee told Mr. Kariye, “You cannot fly. You cannot board the plane.” Mr. Kariye expressed confusion and insisted to know why. He was told he was on a government list, and he asked why he had been put on the list. Mr. Kariye explained that he had flown to Dubai from Portland as recently as July 2009 and from Portland to Chicago and back as recently as October 2009. The airline employee said that she did not know and

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could not help him further. The police officer approached Mr. Kariye and asked him to leave the area.

Several years earlier, in 2002, on Mr. Kariye’s way to Dubai to assume a teaching position, a senior customs inspector alleged that there were trace amounts of TNT in two of the bags carried by Mr. Kariye’s brother. Nothing was in the luggage, but Mr. Kariye was held without bail for five weeks. He was only released when lab tests showed there were no traces of any explosives. From that time until March of this year, Mr. Kariye was allowed to fly internationally and domestically for both business and personal travel. He has been given no explanation why he suddenly has been prohibited from boarding commercial airlines, why he cannot visit his daughter in Dubai or his family in Somalia, why he cannot escort his elderly mother from Portland to Mecca, Saudi Arabia, in November 2010 as planned, and why he can’t even fly to California as part of his work.

Steven Wilker of Tonkon Torp LLP is the cooperating attorney for the ACLU of Oregon Foundation. He is joined by several ACLU staff from affiliates and the national office.

The ACLU challenged the No-Fly List because in this day and age, airline travel is a critical, and often times the only practical, means of maintaining familial relationships or conducting business.

For the U.S. government to unilaterally bar U.S. citizens and legal permanent residents from traveling by plane, without even a letter notifying them that they face such a restriction, is unconscionable.

More importantly, effectively banishing individuals from the United States who have a right to be here, with no meaningful avenue to challenge the government’s action, violates the constitutional due process rights we all hold dear. To learn more about the case and the latest news, go to www.aclu-or.org.

OREGON POLICE RESIST TIGHTER STANDARDS FOR USING TASERS

On July 8 of this year, 87-year-old Phyllis Owen of Boring became the fifth person in Oregon to die after being Tasered by police.

Owen had a pacemaker, had impaired vision as a result of cataracts and was still wearing a medical bracelet from a recent hospital visit at the time she was Tasered. Officers believed she was reaching for a firearm when they shot her with the Taser. She died an hour later. It turned out the firearm was a pellet gun.

The medical examiner identified heart disease as the cause of death. While officers could not be expected to know that Owens had a bad heart, they could and should be expected to understand that firing a Taser at an obviously elderly and medically fragile woman carries with it a much higher risk of serious injury or death.

Since 2007, the ACLU of Oregon has been actively working to restrict the use of Tasers by law enforcement. We have developed a set of policy recommendations (see sidebar) that if adopted by departments statewide would help to avoid tragic incidents such as the one involving Phyllis Owen, while still allowing officers a viable alternative to deadly force. We have shared these recommendations with law enforce-

ment and elected officials throughout Oregon. At this time, only Ashland Police Chief Terry Holderness has adopted our recommendations. Ashland police have dramatically reduced their use of Tasers with no apparent negative consequences for their officers or public safety.

When Tasers were first promoted for law enforcement use, they were often touted as necessary to provide officers with alternatives to using deadly force. Indeed, this was the main selling point prior to the deployment of Tasers in Eugene after the tragic November 2006 shooting death of 19-year-old Ryan Salisbury, who was suffering a severe mental health crisis. Many members of the public believe that Eugene's Taser policy only allows their use as an alternative to deadly force. This is not the case.

In fact, most police department policies, including Eugene's, authorize Tasers for routine use in taking nonviolent, unarmed suspects into custody even when there is no significant threat to public safety. Recently, the most frequent justification for police use of Tasers is to prevent injuries to officers and suspects. Police cite a handful of studies that favorably compare the rate of officer injuries in departments that use Tasers with others that do not.

We believe the evidence is clear that the number of unintended deaths justifies greater restrictions on their use. Tasers should be reserved for situations that most likely would otherwise escalate to the use of deadly force. Putting people's lives at risk for the sake of reducing officer injuries is a tradeoff that does not comport with law enforcement's duty to protect and serve the public.

Because each police and sheriff department is responsible for setting its own policy on Tasers, it is challenging to achieve revisions of Taser policies in Oregon. We continue to organize in local areas where we think there are the best opportunities to make progress.

The Eugene Police Commission, a citizen panel responsible for drafting policy recommendations for the Eugene Police Department, reviewed the Eugene Taser policy for much of the past year. Following active monitoring of the review process by local ACLU members and staff, the commission recommended important reforms this spring.

As of this writing, it has been four months since Eugene Police Chief Pete Kerns received the final recommendations from the Eugene Police Commission, but he has yet to issue his revised Taser policy. We expect him to do so soon.

We will continue to advocate for greater restrictions on the use of Tasers and encourage our members to work with us to demand those reforms. Elected officials and law enforcement leaders need to hear from their constituents that the overuse of Tasers is putting the public and police officers at unnecessary risk. Given the reluctance of law enforcement to give up this convenient tool, it will require continued public pressure to push for better public policy on the use of Tasers and reduce the chances of another Taser-related death in Oregon.

OUR RECOMMENDATIONS

These are the ACLU of Oregon's policy recommendations for law enforcement use of Tasers:

Departments should restrict the use of Tasers to situations when a person poses a credible threat of serious physical injury or death to an officer, a member of the public or the person herself or himself;

Because of the greater risk of unintended deaths, Tasers should not be used on vulnerable populations, including the elderly, pregnant women, children, those who are medically fragile, people under the influence of drugs or alcohol and persons experiencing a mental health crisis;

Taser use should be limited to no more than three 5-second applications on an individual because of the increased risk of death that has been associated with multiple applications;

No police officer should be issued a Taser unless she or he has been through crisis intervention and de-escalation training; and

All departments should have specific monitoring and reporting requirements so that both government and the public have a better understanding of when and how Tasers are used.

OREGON SUPREME COURT CLARIFIES WHO IS ENTITLED TO ATTORNEY FEES

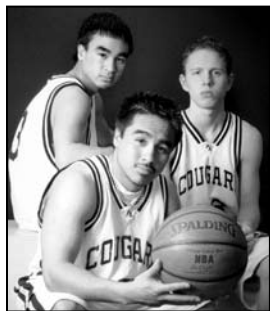
Colby v. Gunson was a case in which an attorney, on his own behalf, made a request for an autopsy report under Oregon's public records law. Mr. Colby was ultimately successful in obtaining the report in the Oregon Court of Appeals, but he was denied attorney fees because, the court reasoned, "attorney fees" under the statute only includes a charge by an attorney that a separate entity is obligated to pay. The ACLU was concerned about the ambiguity that this creates in situations where attorneys provide *pro bono* representation to clients and filed an amicus on behalf of Mr. Colby that several other groups joined.

The ability to recover attorney fees for violation of constitutionally protected rights is often one of the greatest incentives for governmental agencies to discontinue prohibited activity. This is particularly true when the economic damages for such violations are insubstantial or the relief sought is only declaratory. Since the bulk of ACLU litigation is conducted on a *pro bono* basis, the outcome of this case could have significantly altered the bargaining power of our efforts to stop violations of the law.

On Aug. 26, 2010, the Oregon Supreme Court reversed the Court of Appeals and ruled that Mr. Colby was entitled to recover the reasonable value of his own legal services under the statute. This decision also ensures that public interest groups that rely on volunteer attorneys will be able to continue receiving attorney fees.

The cooperating attorney is Tom Christ of Cosgrave Vergeer Kester LLP.

OREGON SCHOOL ACTIVITIES ASSOCIATION ORDERED TO PAY \$66,230 IN ATTORNEY FEES



On Aug. 18, 2010, the Oregon Supreme Court ordered the Oregon School Activities Association to pay \$66,230 in attorney fees in *Nakashima et al. v. Board of Education et al.* This case was on behalf of students at Portland Adventist Academy who sought a reasonable accommodation from the OSAA to compete in the state basketball

tournament without having to play during the Seventh Day Adventist Sabbath (sundown Friday to sundown Saturday).

Years of litigation and considerable cost could have been avoided had the OSAA simply made the accommodation when it was first requested. No fees were awarded against the Board of Education.

The cooperating attorney is Charles F. Hinkle of Stoel Rives LLP.

ACLU FILES CHALLENGE TO REMOVAL OF ELECTIONS WORKER

We filed suit in U.S. District Court in July on behalf of a part-time Grant County elections worker who was told she would not be called in to work processing ballots in a recall election because she had signed a petition that led to the election.

We maintain that the county clerk's action violated our client's free speech rights under the First Amendment and the Oregon Bill of Rights.

Virginia Lenz had served on the Grant County elections counting board since 2004. She had excellent performance, and there were no complaints related to her credibility or trustworthiness. In 2008 and 2009 controversy swirled around a public works project in Grant County. As a result of the controversy, a recall petition was circulated seeking the ouster of County Judge and Chair of the Grant County Commission Mark R. Webb. Ms. Lenz signed the petition. The supporters of the recall were able to gather enough signatures to put the proposed recall of County Judge Webb on the ballot for the election of Nov. 4, 2009.

County Judge Webb then complained to the county clerk, Ms. Kathy McKinnon, about Ms. Lenz's participation on the elections counting board because Ms. Lenz had signed the recall petition. After consultation with the secretary of state, Ms. McKinnon precluded Ms. Lenz from serving on the Nov. 4, 2009, elections counting board.

We maintain that Ms. Lenz's signature on the recall petition was protected speech on a political question on a matter of public concern and she should not have been punished for it. Oregon law assumes that all election workers involved in counting ballots are politically active, because it prohibits counting workers from all being members of the same political party. That law also prohibits workers who are family members of candidates, but those are the only two restrictions.

The ACLU has long maintained that government officials are prohibited by the Constitution from using their authority to punish public employees who speak out on important matters of public concern solely because of disagreements over the issues. In this case, we will argue that the county clerk's action should be overturned and our client should be awarded damages and attorney fees.

Charles F. Hinkle, Stoel Rives LLP, and David Silverman are the ACLU of Oregon cooperating attorneys for this case.

The ACLU of Oregon has taken positions on two measures that will appear on the Nov. 2 ballot. We oppose the Portland ordinance, support it with some reservations.

STATEWIDE

CRIMINAL JUSTICE: VOTE "NO" ON MEASURE 73

Ballot Measure 73 is sponsored by Kevin Mannix, who in 1994 brought us Measure 11, which enacted mandatory minimum prison sentencing in Oregon for violent felonies. The ACLU of Oregon opposed Measure 11 because, as explained below, we oppose mandatory minimum sentencing.

Measure 73 would change Oregon law to double and triple mandatory minimum sentences for certain sex crimes for "repeat offenders" bringing it up to 25 years. It also imposes mandatory minimum sentences for repeat offenders convicted of driving while under the influence of intoxicants (DUII).

Measure 73 is drafted so broadly (and poorly) that it sweeps up juveniles as young as 15 years of age who are before the court for the very first time.

Specifically, one of the sex crimes listed in Measure 73 includes what is now commonly referred to as "sexting" (the transmission of a sexual image) between cell phones. While sexting is inappropriate, the reality is that teenagers act impulsively and use their cell phones and other devices to capture intimate images that would fall under this law. Juveniles who transmit images of themselves to more than one other person could be charged for multiple violations under the sex crime laws. And if they are convicted of these multiple charges at one trial, they would be "repeat offenders" during one sentencing hearing.

In other words, the measure is written so broadly that a juvenile as young as 15 could face a 25-year minimum sentence for sexting and, if convicted under Measure 73, there would be no judicial discretion to take mitigating factors into account.

In fact, that's the main reason the ACLU opposes mandatory minimum sentences — because such sentences eliminate a judge's ability to evaluate the facts of each case and consider the character and history of the defendant in determining the most appropriate sentence. Measure 73 only serves to exacerbate that problem.



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With a one-size-fits-all approach, the cost to the state cannot be ignored. Not only has the state prison budget increased dramatically since 1994, but so have the

number of state prisons built in Oregon. By the fourth year of implementation, Measure 73 is estimated to cost the state between \$36 million and \$60 million per biennium, according to the state's Financial Impact Statement.

For all of these reasons, the ACLU of Oregon urges a NO vote on Measure 73.

DRUG REFORM: VOTE "YES" ON MEASURE 74

Ballot Measure 74 builds on Oregon's current medical marijuana law, which the ACLU of Oregon helped draft in 1998. Currently, medical marijuana patients can only legally access medical marijuana in two ways: grow it themselves or obtain it from an authorized grower, who by law may only grow for a few people. Other than that, the only way a qualified patient may obtain medical marijuana is on the black market. For many patients the result is that they either cannot access medical marijuana or they must obtain it illegally.

The ACLU of Oregon supports decriminalizing medical marijuana, and Measure 74 advances that effort by creating a legal and safe means for qualified patients to obtain the medication they need.

Measure 74 is the next logical step to provide safe and legal access to medical marijuana in Oregon, given the federal prohibitions on medical marijuana. Until the federal government recognizes the medical value of marijuana and treats it like other controlled substances that can be prescribed by a physician and obtained at a pharmacy, Oregon and other states are limited in what we can do.

ACLU BALLOT MEASURES NOVEMBER 2, 2010

State Measure	Subject
73	Criminal Justice: Would double and triple mandatory minimum sentences for repeat offenders and repeat drunk drivers and juveniles
74	Drug Reform: Establish a legal and safe means for qualified patients to obtain the medication they need

Portland Measure	Subject
26-108	Campaign Finance: Create a matching fund mechanism for Portland's public campaign financing, mayoral, commissioner and school board dates

*** ACLU strongly supports public financing but the matching fund mechanism is flawed. The speech concerns that qualify our support.**

MEASURE RECOMMENDATIONS

statewide ballot measures and one Portland local measure. We oppose Measure 73, support Measure 74 and, on the other side of the issue, we support Measure 75.

MEASURE RECOMMENDATIONS NOVEMBER 2010

	ACLU Position
Increase mandatory license for certain sex offense driving; includes	Oppose
Requires state-licensed pharmacies for medical	Support

	ACLU Position
Continues City of Portland campaign financing for mayor and auditor candi-	Support * (with qualifications)

Financing of candidate election campaigns, in the Portland ordinance raises free support.

to direct them to safe and licensed facilities where the patient and doctor can be better assured about the safety and the efficacy of the medical marijuana provided.

Measure 74 would also help law enforcement. Knowing which growers and dispensaries are licensed would allow police to focus on the black market. The state would have enforcement and regulation authority over the licensed growers and dispensaries. State regulations would be followed or dispensaries would lose their licenses.

Finally, in putting together the fiscal estimate, the state recognizes that this program will more than pay for itself and could generate an additional \$3 million to \$20 million a year to the Department of Human Ser-

vice. Measure 74 is a responsible approach in light of those federal restrictions: it creates state licensed and regulated non-profit dispensaries and authorizes broad state rule-making authority around those operations. Patients would still be able to grow their own medical marijuana or get it from a caregiver; this law would be in addition and would provide a new, legal and safe means to obtain medical marijuana.

Measure 74 helps health care providers, patients and even law enforcement. It allows health care providers who are currently recommending medical marijuana to qualified patients to also be able

to direct them to safe and licensed facilities where the patient and doctor can be better assured about the safety and the efficacy of the medical marijuana provided.

PORTLAND CAMPAIGN FINANCE: VOTE "YES" (QUALIFIED) ON MEASURE 26-108

In 2005, the Portland City Council created a public financing program for candidates for city offices, the Campaign Finance Fund ("CFF"). It allows publicly funded campaigns for mayor, city commissioner and auditor candidates. When the program was created, the mayor and council pledged they would refer the program to voters in 2010. That vote will happen in November.

The ACLU strongly supports public financing of candidate election campaigns as a way to address the financial barriers in mounting a race for elected office and to counter the influence of wealthy special interests in elections.

The Portland CFF is administered by the auditor and allows eligible candidates to seek certification to receive public funds for the primary, general and special elections by collecting a required number of \$5 qualifying contributions from Portland residents. Upon certification, public funds are available as follows — in the primary: \$200,000 for mayor, \$150,000 for commissioner and auditor; in the general election: \$250,000 for mayor, \$200,000 for commissioner and auditor candidates. The ordinance also requires more frequent campaign disclosure requirements for participating and non-participating candidates.

In evaluating public financing proposals and laws, the ACLU looks to see that the following criteria are met: that public funds are available to all legally qualified candidates; that the program provides a floor for campaign expenditures in an amount sufficient to mount an effective and competitive campaign; and that it avoids intrusive or inequitable government regulation, burdensome record-keeping and discrimination in distribution of funds.

The Portland CFF meets all of those requirements. However, Portland has a matching fund mechanism that runs afoul of ACLU policy. Specifically, in discussing adjustment mechanisms (allocating additional funds to a participating candidate when other candidates spend more than a certain



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PETITION TO ESTABLISH “PARAMOUNT RIGHTS OF UNBORN” FAILS TO OBTAIN REQUIRED SIGNATURES

Supporters of Initiative Petition 30 (2010), which sought to establish the “paramount” rights of “every innocent life” including the “unborn,” failed to file the required number of signatures before the July 2, 2010, deadline passed, so it will not be on the November ballot.

The ACLU opposed IP 30 because it creates a new constitutional “right to life” and then would make other fundamental civil liberties protections in the Oregon Constitution subordinate to that new right.

Prior to the signature deadline, the ACLU challenged IP 30 in court because it improperly included multiple amendments to the Constitution. We prevailed at the trial level and the Secretary of State appealed. Oral argument before the Oregon Court of Appeals is set for September 28, 2010. The eventual ruling in the case would establish an important precedent interpreting the “separate vote” requirement of the Oregon Constitution.

The cooperating attorneys are Greg Chaimov and Alan Galloway of Davis Wright Tremaine LLP.

BALLOT MEASURE RECOMMENDATIONS (CONTINUED)...

threshold), the ACLU supports such adjustment mechanisms only when the overall result does not interfere with the voluntary nature of the candidate’s choice to participate in the public finance system.

We believe that matching funds should not have the effect of regulating independent speakers who do not coordinate with candidates. ACLU therefore opposes adjustment mechanisms triggered by independent, non-candidate expenditures.

The Portland CFF sets forth different scenarios when matching funds (adjusted financial thresholds) will occur. This includes a number of situations when the trigger for increased funding is based solely on independent expenditures. Independent expenditures are defined in the Portland ordinance as “any expenditure...that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a Candidate or any agent or authorized committee of the Candidate.” Persons or political committees making independent expenditures over \$1,000 must file notice to the auditor.

This illustrates our concern: If an anti-choice CFF candidate were running against a pro-choice non-CFF candidate, and a pro-choice advocacy group -- completely independent of the pro-choice non-CFF candidate -- were to make expenditures in support of that candidate (for example, advertising its support for all pro-choice endorsed candidates), the anti-choice candidate could receive additional government matching funds because of the pro-choice advocacy group’s actions. The result would be that speech by advocacy organizations, operating completely independent of the candidates, would trigger additional public funds going to the candidate they oppose.

If Measure 26-108 is approved by voters, we will ask the City Council to amend this part of the CFF. Indeed, the U.S. Supreme Court currently has a case that may require Portland to change the matching fund provisions, depending on how the Court rules next term.

Still, the ACLU believes the Portland public financing program is very important to preserve, and we urge your YES vote, even as we note the program’s one flaw that should be fixed.

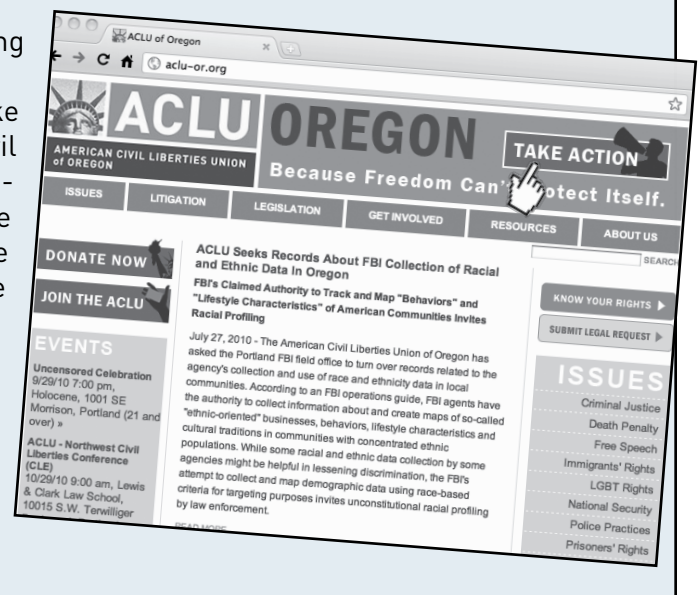
YOU CAN HELP DURING THE 2011 LEGISLATIVE SESSION

The ACLU of Oregon is planning a Lobby Day during the 2011 Oregon Legislature.

We need your help and participation to make sure our message of protecting and enhancing civil liberties is heard throughout the Oregon Legislature. Signing up for our e-mail action alerts is the best way to find out the date of Lobby Day and be notified of breaking issues during the legislative session.

We currently have 10,500 ACLU of Oregon activists on the list, and we’d like to add you!

Just go to www.aclu-or.org and click on the “Take Action” icon at the top of the home page. We send legislative alerts to the list when you can take action that will make a difference.



ACLU PRESIDENT SUSAN HERMAN TO SPEAK AT 2011 LIBERTY DINNER



Photo by Alex Silver/The Cornell Daily Sun

Please join us for the 2011 ACLU Foundation of Oregon Liberty Dinner.

Susan Herman, president of the American Civil Liberties Union, will be the featured speaker on her first official visit to the Oregon affiliate.

We will also be honoring Charlie Hinkle with the inaugural Charles F. Hinkle Distinguished Service Award (see below).

The event will be held the evening of Saturday, March 12, 2011, at the Portland Hilton's Pavilion Room.

Susan Herman was elected ACLU president, the highest-ranking volunteer position, in October 2008 after having served on the ACLU National Board of Directors for 20 years, as a member of the Executive Committee for 16 years, and as general counsel for 10 years.

Herman will talk about national civil liberties issues not only from her perspective as ACLU president but also as a scholar of law. Herman holds a chair as Centennial Professor

of Law at Brooklyn Law School, where she currently teaches constitutional law and criminal procedure. She also teaches seminars on law and literature, and terrorism and civil liberties. She writes extensively on constitutional and criminal procedure topics for scholarly and other publications.

Herman has discussed constitutional law issues on radio, on television and in print media. In addition, she has been a frequent speaker at academic conferences, continuing legal education events and non-legal events. She has also participated in Supreme Court litigation, writing and collaborating on amicus curiae briefs for the ACLU on a range of constitutional issues and conducting Supreme Court moot courts, and in some federal lobbying efforts.

Tickets for the 2011 Liberty Dinner are available online at www.aclu-or.org/dinner. Tickets for the dinner and a no-host reception are \$125 per person. Tickets are also available for the dinner and a hosted reception with Susan Herman and Charlie Hinkle for \$200 per person. The receptions precede the doors opening for dinner at 7 p.m.

We also have opportunities for sponsorships, table hosts and advertising in the dinner program. If you are interested, please contact Development Director James K. Phelps at jphelps@aclu-or.org.

CHARLES F. HINKLE DISTINGUISHED SERVICE AWARD CREATED

The ACLU Foundation of Oregon has created a new award to "honor individuals whose extraordinary record of service to the ACLU of Oregon exemplifies the highest commitment and perseverance in allegiance to the mission of protecting and advancing civil liberties and civil rights."

The inaugural Charles F. Hinkle Distinguished Service Award will be presented to its namesake, Charlie Hinkle, at the ACLU Foundation of Oregon Liberty Dinner on Saturday, March 12, 2011.

Charles F. Hinkle (known to all as Charlie), is a partner at Stoel Rives LLP. Hinkle was admitted to the Oregon State Bar in 1971 and began volunteering at the ACLU shortly thereafter. Since 1971, Hinkle has logged thousands of hours of volunteer service to the ACLU.

During his service to the ACLU, Hinkle has participated in several landmark civil liberties cases:

In 1973, Hinkle was the attorney in the first gay rights case brought in Oregon, *Burton v. Cascade School District*. He sued the school district over the termination of a lesbian high school teacher.

Hinkle acted on ACLU's behalf in a number of Oregon separation of church and state cases, starting with *Kay v. David Douglas School Dist. No. 40* (1987), a ground-breaking case challenging prayer at high school commencement.

Hinkle was prominent in ACLU's ongoing battles opposing initiatives promoted by the Oregon Citizen's Alliance beginning in 1988 and lasting through the 1990s. He was the lead attorney in the successful challenge of the OCA's first anti-gay ballot measure in *Merrick v. State Board of Higher*

Education, which overturned Ballot Measure 8 (1988).

Hinkle also spent 10 years establishing religious freedom in *Nakashima v. Board of Education* (2008) on behalf of students on the Portland Adventist Academy basketball team who wanted to participate in the Oregon School Activities Association state tournament without violating their religious tenets to honor the Sabbath.

Besides his services as a cooperating attorney, Hinkle has also served on the ACLU of Oregon Board of Directors for 14 years, including four years as board chair from 1975-1979. He has testified numerous times before the Legislature on behalf of the ACLU, written articles for the newsletter, raised funds, spoken in classrooms and at public forums, written letters to the editor and op-ed pieces, served on the Lawyers' Committee and taught continuing legal education seminars on behalf of the ACLU.

Hinkle was presented with the E. B. MacNaughton Civil Liberties Award in 1989. The award is the equivalent of a lifetime achievement award, but in retrospect Hinkle was only getting started. The Charles F. Hinkle Distinguished Service Award will provide an ongoing reminder of Hinkle's service to the ACLU.

The award will be presented in the future to recognize distinguished service only when an appropriate individual merits recognition.



IN THE CHAPTERS MEMBERS GATHER FOR FESTIVALS, PARADES

FALL 2010 12

BENTON-LINN CHAPTER

The Benton-Linn Chapter successfully launched “A Civil Conversation” series this past spring. Three informal gatherings brought together ACLU members and the general public to discuss constitutional rights including the rights of street performers, the separation of church and state, and the rights of bloggers and citizen media. A Civil Conversation about immigrant rights will be held on Oct. 20. Stay tuned for updates on locations as well as additional dates and topics. The chapter hopes to hold at least one of these events in Albany. The chapter thanks John Huyck, former owner of Bomb’s Away Café and chapter board member, for generously hosting two of the Civil Conversations this spring.

Corvallis Fall Festival: Be sure to drop by the chapter’s booth at the Corvallis Fall Festival on Sept. 25 and 26 to pick up your “I Read Banned Books” button and show your support for ACLU of Oregon.

Seeking chapter board members: The Benton-Linn board is seeking qualified candidates to serve on the chapter board. Unexpected resignations left the board with two vacancies. Serving on the chapter board is one of the best ways to become an active ACLU of Oregon member. Qualified candidates must be current ACLU members residing in Benton or Linn counties. If you are interested, contact Claire Syrett at csyrett@aclu-or.org or chapter board chair Ryan Lambert at rlamb@yahoo.com.

Save the date: The chapter will hold its Annual Membership Meeting on Wednesday, Nov. 17, from 7-9 p.m. at the OSU Center for Humanities, 811 S.W. Jefferson, in Corvallis. The program will feature a talk by Kevin Díaz, the ACLU of Oregon’s new legal director.

LANE COUNTY CHAPTER

The Lane County Chapter is planning a series of events beginning with two Banned Books Read-Outs at the Eugene and Springfield Libraries. Co-sponsored by both libraries, these Read-Out events will coincide with Banned Books Week, which celebrates our freedom of expression and the freedom to read. The Eugene Library Read-Out will be from noon-2 p.m. Sept. 25; the Springfield event will be from 2-4 p.m. Oct. 2. Volunteers will read from selections of books that have been challenged in Oregon.

Student Free Speech Forum: Working with the South Eugene High School ACLU Club, the chapter is planning a “Student’s Rights and Responsibilities” forum for November. A panel of students from local high schools will engage in a



Judy Blume’s *Forever* was one of the many banned and challenged books featured at the 2009 Banned Books Read-Out at the Eugene Public Library.



The ACLU’s Eugene Celebration Parade troupe of actors (from left to right): Paul Rohde (Big Brother), Judy Mosely (The Bigotry Kid), Claire Syrett (Lady Liberty), Dave Fidanque (Captain Freedom), Amanda Olson (Cruella Da Censor) and Jeremy Booth (Dr. Repression). Special thanks to Jana Rygas, Bill Hulings, and all the other Lane County Chapter members who joined us in the parade. Thanks also to Chris Berner for designing our banners and signs, to Imagine Graphics for printing them, to David Funk for designing the shields and props, and Davey Wendt for executing them. It was fun!

Stay informed about civil liberties in Oregon at www.aclu-or.org

moderated discussion on issues related to students' free expression rights on campus and the role of schools in policing student speech in the classroom and off campus. The event will be held at South Eugene High School with the date still to be determined.

SOUTHERN OREGON CHAPTER

Current and former chapter board members teamed up to help with the ACLU booth at this year's Ashland 4th of July Celebration. Volunteers handed out information on ACLU's challenge to Arizona's racial profiling law (SB1070), received several new memberships, and signed up a dozen new additions to the action alert e-mail list.

Banned Books Week: As part of the American Library Association's week-long Banned Books Week celebration, the

chapter will co-host a Read-Out of Banned Books at the Ashland Library on from 1-3 p.m. Saturday, Sept. 25. Volunteers will read from a selection of banned or challenged books. Be sure to stop by and pick up your "I Read Banned Books" button. You can also check out the Banned Books display planned for the Southern Oregon University Hannon Library from Sept. 25-Oct. 2. Thank you to chapter board members Julie Norman and Steve Ryan for taking the initiative on these two Banned Book Week activities.

Save the date: The chapter will hold its Annual Membership Meeting from 2-4 p.m. Sunday, Oct. 17, at the Ashland Public Library. John Sajo of Voter Power will be the guest speaker and provide information on ballot measure 74 and other issues related to medical marijuana.

MEET OUR NEW LEGAL DIRECTOR

Kevin Díaz brings an appreciation for civil liberties and more than ten years of experience fighting for access to justice in the Pacific Northwest to his role as Legal Director for the ACLU of Oregon. Díaz started work at the end of May and immediately jumped into national litigation involving the No-Fly List (see story Page 1).

Díaz spent his childhood in Salem. He worked at the Salem Public Library during his teen years, and became aware of the ACLU's work during that time, particularly the ACLU's efforts to stop censorship.

He draws on a family background of activism in Oregon and awareness of the consequences of political instability in his native Peru.

"Growing up, I remember going on protest marches with my mother in Salem," he said. "I was always interested in labor rights."

His parents — his father from Peru, his mother an Oregonian — met at Mount Angel College, a now-defunct liberal arts school that subsequently became Colegio César Chavez before shuttering its doors. Frequent trips to Peru and close ties to his father's family introduced him to the upheaval caused by the Shining Path (Sendero Luminoso).

Díaz earned his B.A. in International Studies from the University of Oregon and his J.D. from the University of Washington.

It was a chance meeting at a school-sponsored dinner that led to Díaz spending his two summers in law school advocating for forestry workers in western Washington state. After graduation he represented migrant and seasonal farm workers and their families in Northwest Oregon and Central and Southwest Washington for more than 10 years, and also worked with immigrant survivors of domestic violence in the Portland metropolitan area.

His first ACLU case was a due process claim involving 187 Yakima Valley students who were suspended *en masse* for three days for participating in a protest of the passage of Washington's anti-affirmative action law. The mostly Latino students at Sunnyside High School were

summarily suspended for participating in the protest; the mostly Anglo students at one Western Washington school who participated in a similar walkout were sanctioned with additional educational activities.

Where does the law fall short in Oregon in terms of civil liberties?

"There are a number of obvious areas, for example, equality for same-sex couples," he said, "but what has struck me as I review requests for assistance are the large number of situations where laws already exist yet are being ignored. One area that all of us, not just Oregon, will have to grapple with in the near future is how to protect civil liberties in the face of technological impacts on society."

The next decade promises to be interesting, although Díaz said the exact issues cannot be predicted.

"Nobody would have been able to predict all of the issues that we had to deal with post 9/11," he said. "The strength of the ACLU is its ability both to respond quickly when new civil liberties threats emerge, and to help create the climate to advance rights where the need is greatest." Executive Director David Fidanque noted that Díaz's experience and skills are just what the Oregon affiliate needs for its legal program at this time.

"Given the quickly changing demographics of Oregon, it's great to have a Legal Director who has intimate knowledge of the civil liberties challenges faced by Oregon's growing communities of color," Fidanque said. "The breadth of issues that Kevin has faced — and handled — in his first few months on the job make me confident he will continue to be a great asset for the organization in the coming years."



Kevin Díaz

ACLU OF OREGON SEEKS RECORDS FROM PORTLAND FBI FIELD OFFICE



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On July 27, 2010, the ACLU asked the Portland FBI field office to turn over records related to the agency's collection and use of race and ethnicity data in local communities.

According to an FBI operations guide, FBI agents have the authority to collect information about, and create maps of, so-called "ethnic-oriented" businesses, behaviors, lifestyle characteristics and cultural traditions in communities with concentrated ethnic populations. While some racial and ethnic data collection by some agencies might be helpful in lessening discrimination, the FBI's attempt to collect and map demographic data using race-based criteria for targeting purposes invites unconstitutional racial profiling by law enforcement.

Although the 2008 FBI Domestic Intelligence and Operations Guide has been in effect for more than a year and a half, very little information is available to the public about how the FBI has implemented this authority. Therefore we, along with over 25 other affiliates, requested relevant information from our local FBI office.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS FAVORABLE TO POLITICAL PROTESTERS



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On Aug. 4, 2010, U.S. Magistrate Judge Mark Clarke issued his Report and Recommendations in *Moss et al. v. U.S. Secret Service et al.* In this class action suit the ACLU represents individuals and groups that protested outside the Jacksonville Inn on Oct. 14, 2004, while President Bush was dining at the inn.

The lawsuit, filed in federal court in 2006, alleges the U.S. Secret Service and state and local law enforcement unconstitutionally chose to move only demonstrators who were critical of the President away from the inn. Magistrate Clarke heard oral argument on defendants' motions to dismiss on May 12, 2010, and now recommends that several of our key First and Fourth Amendment claims against federal, state and local law enforcement should proceed.

U.S. District Judge Owen Panner has yet to adopt the recommendations but is expected to issue his order within the next few weeks.

This case is shaping up as one of the first key tests of the impact of the U.S. Supreme Court's decision in *Ashcroft v. Iqbal* that erected new barriers to claims of unconstitutional conduct by the federal government. Prior to *Iqbal*, an individual who alleged harm by the government could file suit and be assured she or he could demand documents from the government that are relevant to the case. The Supreme Court has now said such cases should be dismissed at the outset unless the plaintiff has alleged facts that are "plausibly suggestive" the plaintiff is entitled to relief.

Our fear has been that this new standard could make it virtually impossible ever to successfully sue the government. That is why it is significant that Magistrate Clark concluded that ACLU has met this higher burden in *Moss*. Not surprisingly, the Department of Justice disagrees. No matter how Judge Panner rules, the case is almost certainly headed to the Ninth Circuit U.S. Court of Appeals — for the second time. The only question is when.

The cooperating attorneys are Steven Wilker, Paul Conable, James Hein, Tonkon Torp LLP, and Ralph Temple and Art Spitzer, past and present legal directors of the ACLU of the National Capitol Area, respectively.

GUARDIANS OF LIBERTY: Sustaining Freedom's Defense

You Make the Difference

Guardians of Liberty are a special group of members who make monthly donations that support our work defending the freedoms guaranteed in the Constitution and the Bill of Rights.

Your Gift of \$25, \$20 or even \$15 a month can provide the vital support that helps us to fight for all of our rights whenever and wherever they are under attack.

The program is easy for you and efficient for us -- with more of your contributions going right to work on our most urgent campaigns.

Help us fight against efforts to undermine our basic freedoms, become a Guardian of Liberty today.

Go to www.aclu.org/sustain to sign-up online. It's fast, easy, and secure.

DESILVER SOCIETY PROFILE: GAIL ROSENTHAL



Gail Rosenthal is a longtime ACLU member and a member of the DeSilver Society. The DeSilver Society recognizes those who have made the extraordinary commitment of including the ACLU in their estate plans. Gail has chosen to support the organization with a gift in her will.

“I am fortunate to have done well in our society and want to keep it free for those who come after, so they may benefit from the free choices that I faced without encumbrances on their constitutional rights and liberties,” she said.

She has particular concerns about the effect of technology on individual rights: “My financial support for the ACLU makes me feel I can help counteract this all-too-real danger.”

We salute Gail for taking the effort to provide for the ACLU after she is no longer able to do so personally. If you are interested in making a gift through your estate plan, please contact James K. Phelps, development director, at (503) 552-2101 or jphelps@aclu-or.org. If you have already made provisions for the ACLU and not yet notified us, we would like to hear from you and to welcome you to the DeSilver Society.

GIFTS HONOR LANE COUNTY CHAPTER BOARD MEMBER

It is with great sadness that we note the passing of Lane County ACLU chapter board member Kerry Lewiecki on June 24, 2010.

Mr. Lewiecki was preparing to graduate from the University of Oregon Law School and Mediation and Conflict Resolution program. He was an enthusiastic member of the chapter board, recruiting new board members and helping to inspire

the creation of the South Eugene High School Club by speaking at the South Eugene Career Day in 2009.

The chapter board encourages Lane County members to join them in making a gift to the ACLU Foundation of Oregon in Mr. Lewiecki’s memory as a way to honor his commitment to equality and justice. Gifts can be sent to ACLU Foundation of Oregon, P.O. Box 40585, Portland, OR 97240.

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SAVE THE DATE!

ACLU Foundation of Oregon Liberty Dinner, March 12, 2011

(See P. 11 for details)

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FALL 2010

REGIONAL RIGHTS CONFERENCE PLANNED



The inaugural ACLU Northwest Civil Liberties Conference will bring together law students, judges, attorneys and nonprofit leaders from around the region on Oct. 29-30 at Lewis & Clark Law School in Portland.

The event is sponsored by the ACLU Foundation of Oregon and the Lewis & Clark Law School ACLU Student Group. Attorneys attending the conference are eligible to receive continuing legal education (CLE) credits.

Speakers will include panelist Vivek Malhotra, from the National ACLU Immigrant Rights Project and keynote speaker Charles F. Hinkle, a longtime ACLU volunteer attorney and partner at Stoel Rives LLP. The conference will conclude with a panel of ACLU executive directors from Alaska, Hawaii, Idaho, Montana and Oregon.

The conference will be an opportunity for law students to interact with legal professionals and to learn more about the work of the ACLU. ACLU staff and volunteer attorneys will introduce students to the organization's work in the Pacific Northwest and recruit the volunteer ACLU attorneys of the future.

The ACLU Foundation of Oregon is working to strengthen the relationship between law school students and legal professionals who work with or are affiliated with the ACLU and to engage in dialogue about the civil liberties and civil rights issues of our time. The conference is intended to help develop law students' interest in civil liberties and civil rights.

For more information about the conference, please visit www.aclu-or.org/nwconference. To learn more about the work of the Lewis & Clark Law School ACLU student group, please visit <http://bit.ly/asH2WY>.