



ISSUE 1, VOLUME 45, SPRING 2010

## LEGISLATURE TO DEBATE RELIGIOUS DRESS FOR PUBLIC SCHOOL TEACHERS

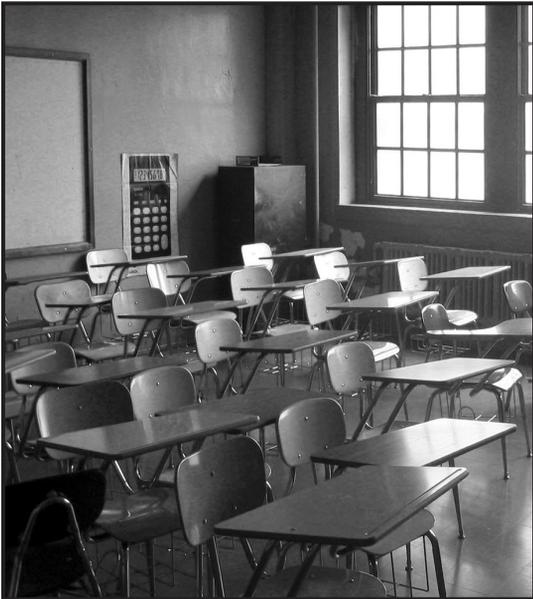


Photo by Dystopos

In 2009, the Oregon legislature passed the Religious Freedom Workplace Act, requiring employers to make reasonable accommodations for employees who wear religious dress or take time off to participate in religious observances or practices. That law kept in place a current Oregon law that prohibits public school teachers from wearing religious dress when they are teaching. Oregon House Speaker Dave Hunt, along with

other individuals and organizations, is calling for a repeal of the teacher religious dress law.

In the mid-1980s when the religious dress law was challenged in the courts, the ACLU of Oregon Board of Directors deliberated at length before deciding to support the law, which was ultimately upheld by the Oregon Supreme Court. After the issue arose again this past summer, the ACLU of Oregon Board of Directors heard from both proponents and opponents of repeal.

After a full discussion in November, the Board had a number of questions and concerns about the effect of repealing this law and planned to discuss further in 2010. The Board concluded that the religious dress issue should not be considered by the legislature in the February supplemental session because the compressed schedule does not allow for meaningful public and legislative debate and deliberation. The Board instructed staff to urge the legislature to wait until the next regular session in 2011 and to oppose any repeal of the law in February. If no action is taken in February, the Board intends to continue the dialogue on this issue with our coalition partners and may yet revise its policy.

In preparation for the February session, the House Education Committee recently took testimony on the proposed legislation. The following is a revised and condensed version of written testimony submitted on January 13 by ACLU of Oregon Legislative Director Andrea Meyer.

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## ACLU HONORS CANDACE MORGAN AND PETER GOODWIN AT LIBERTY DINNER ON MARCH 6

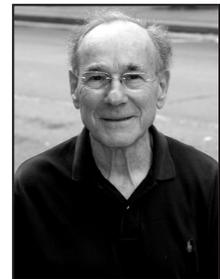


Candace Morgan will receive ACLU of Oregon's highest honor at the ACLU Foundation of Oregon Liberty Dinner on March 6 when she is presented with the E. B. MacNaughton Civil Liberties Award. The award is given to

an individual or group for a long record of outstanding contributions to civil liberties and civil rights.

Morgan, currently an ACLU of Oregon board member, has dedicated her professional career and volunteer efforts to intellectual freedom. In addition to her work as a librarian, she has revived the ACLU of Oregon's participation in Banned Books Week, creating the only statewide effort in the nation that brings together libraries, bookstores and nonprofits to educate about the freedom to read.

A Civil Liberties Award will be presented to Dr. Peter Goodwin that same evening. The Civil Liberties Award recognizes significant contributions to civil liberties and civil rights.



Goodwin has been a leader in Oregon's Death with Dignity movement. He worked tirelessly to pass the Oregon Death with Dignity Act, from drafting the language of the law to leading a successful campaign to approve the petition, which became law in 1999. He has been instrumental in the implementation of the act, serving as the medical director and as board member of Compassion & Choices Oregon.

**DETAILS OF THE LIBERTY DINNER  
APPEAR ON THE BACK COVER**

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**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**

FROM THE EXECUTIVE DIRECTOR

**CREATING CHANGE DEMANDS PERSEVERANCE**



David Fidanque

As this issue heads toward publication, the news media are still dissecting the effectiveness of President Obama’s first State of the Union message, the impact of the Democrats losing their supposed supermajority in the U.S. Senate and the present mixed signals about the economy.

It often can be dispiriting to pay too much attention to the commentators, pundits and bloggers. They almost always focus on the latest news, but not always the most important. They tend to miss the bigger trends that most affect the country’s future—especially when it comes

to our core freedoms. Still, this is a good time to check in on what’s been happening to civil liberties over the first year of the Obama Administration.

In October 2008, the ACLU gave both the Obama and McCain transition teams a blueprint for restoring the civil liberties that had been undermined or eliminated during the eight years of the Bush Administration. That report outlined 142 discrete actions the next President could take to restore civil liberties without requiring any action by Congress. Most of the recommended actions involved rescinding Bush executive orders or administrative rules that were inconsistent with existing law or that were in violation of international treaties or the Constitution.

All of ACLU’s recommendations were prioritized into actions that could be taken on Day One, within the first 100 days, or within the first year. All told, the administration has carried out or substantively fulfilled about one-third of ACLU’s proposals. On another 20 percent, the administration has made some moves to address the issues but apparently has rejected our proposals. On the final 46 percent, the administration has taken no action at all. (There’s a complete review of the administration’s progress on the ACLU website at [www.aclu.org/america-unrestored](http://www.aclu.org/america-unrestored).)

On our Day One priorities, the record has been mixed. The President moved quickly to order the prison at Guantanamo to be closed and to prohibit the use of torture. But the CIA’s extraordinary rendition program continues, as does the flawed military commissions process for dozens of detainees. The administration also intends to hold many detainees indefinitely without allowing them access to the evidence against them or a fair chance to challenge that evidence.

Many of our highest priorities for the President’s first 100 days in office involved domestic national security and privacy. In this area, the administration has done nothing to implement our proposals and in many cases it has endorsed the actions of the Bush Administration. From warrantless surveillance of Americans to spying on lawful political activities, there has been little if any improvement.

Ironically, these policies divert intelligence and law enforcement agencies away from reliable leads and intelligence; they waste resources and make it more likely that those who intend to do harm will slip through these overbroad dragnet searches. You don’t find a needle in a haystack by making the haystack bigger.

Your ACLU continues to work hard every day to challenge these policies in the courts, in Congress and in the public arena. No other organization does as much on such a broad array of critical issues – issues that will determine the shape of our freedoms for generations to come.

We know that we have to keep up this work – especially our work to shine daylight on the real impact of these misguided policies on the lives of innocent people. We are in this for the long haul. Thanks again for all of your support.

## ACLU RELIGIOUS DRESS TESTIMONY

The ACLU of Oregon appears today in opposition to repealing ORS 342.650 and ORS 342.655, which prohibit public school teachers from wearing religious dress in the classroom. While proponents of this change are promoting action in the upcoming February 2010 supplemental session, we urge the Legislature to postpone consideration until the next regular session in 2011. We believe that the very brief supplemental session in February does not provide the necessary public and legislative participation and deliberation on such an important issue to Oregonians. We recognize that the issues raised by this law are difficult and that real people are affected. However, we believe that repealing this law will undermine the religious neutrality of our public schools. Before considering this action, it is essential to fully understand all of the legal ramifications.

We recognize that anti-Catholic bigotry played a role in the original passage of the law in 1923. But that is not the complete legislative history. As the Oregon Supreme Court stated in its 1986 decision in *Cooper v. Eugene School District*, when it upheld the law:

*“There is no reason to believe that when the Legislative Assembly enacted ORS 342.650 in its present form in 1965, it had any aim other than to maintain the religious neutrality of the public schools, to avoid giving children or their parents the impression that the school, through its teacher, approves and shares the religious commitment of one group and perhaps finds that of others less worthy.”*

The ACLU recognizes the importance of the religious liberty rights of individuals and their ability to practice their faith. Indeed, we have acted in support of these rights here in Oregon and across the country and we will continue to do so. But public schools have a special obligation and a unique role to ensure an atmosphere that is welcoming to all students and their families regardless of their religious beliefs. As the Court in *Cooper* stated:

*“Parents and lawmakers may and do assume that the hours, days, and years spent in school are the time and the place when a young person is most impressionable by the expressed and implicit orthodoxies of the adult community and most sensitive to being perceived as different from the majority of his or her peers; famous constitutional cases have involved this socializing rather than intellectual function of the schools. In excluding teachers whose dress is a constant and inescapable visual reminder of their religious commitment, laws like ORS 342.650 respect and contribute to the child’s right to the free exercise and enjoyment of its religious opinions or heritage, untroubled by being out of step with*

*those of the teacher.”*

During the school day, public school teachers are representatives of the government. Their appearance and their actions are taken on behalf of the government and, in this context, the government and teachers need to ensure religious neutrality during school hours. In this capacity, teachers do set aside their individual interests in their role as public school educators when they are teaching in the classroom. The government restricts their free speech rights, particularly with regards to political speech, which is also a core guarantee of the First Amendment. The same principle should apply when

it comes to religion and religious activity that would compromise the educational process and interfere with the religious freedom rights of students and their families.

*“[The] concern is that the teacher’s appearance in religious garb may leave a conscious or unconscious impression among young people and their parents that the school endorses the particular religious commitment of the person to whom it has assigned the public role of teacher. This is what makes the otherwise privileged display of a teacher’s*

*religious commitment by her dress incompatible with the atmosphere or religious neutrality that ORS 342.650 aims to preserve.” (Cooper v. Eugene School District)*

If this law is repealed, school districts will not be able to regulate the religious dress of school teachers. The Constitution does not allow the government (nor, we suspect, would school districts want the responsibility at the local level) to challenge or question the religious beliefs of any teacher. If a teacher states that her or his dress is necessary to comply with her or his particular sincerely held religious beliefs, the courts have made it clear that the government is prohibited from questioning that faith or treating that individual differently depending on how that faith is perceived.

While many proponents of repeal recognize the need to ensure against proselytizing in the public schools, the problem is that despite even the best intentions, it is not easy to draw the line on what is and is not “proselytizing” especially when dealing with a captive audience of young children for hours a day, week after week.

*“A distinction between privileged personal expression and forbidden ‘indoctrination’ or ‘proselytizing’ is easier to assert than to apply; one teacher’s personal views and acts can carry more unintended persuasion than another’s most determined teaching efforts.” (Cooper v. Eugene School District)*

Indeed to the degree that the proponents argue that rights of free speech are being denied under this law, they recognize

Communicating ideas is not restricted to words alone; symbols and dress can speak more loudly—and far longer—than words.

**ACLU RELIGIOUS DRESS TESTIMONY, CONTINUED**

that clothing and other items convey a message, or many messages. Communicating ideas is not restricted to words alone; symbols and dress can speak more loudly – and far longer – than words.

Because the Court in *Cooper* determined that the religious “dress” statute does not prohibit the wearing of small jewelry, some have argued the law therefore permits some religious expression by teachers, while prohibiting others. That flaw could easily be cured by prohibiting all public school teachers from wearing visible religious symbols. Likewise, there is concern that the law is too limited because it only applies to teachers. That issue, too, could be addressed.

There is also the argument that children, particularly those of minority faiths, need to see teachers who look or dress like them, because they serve as positive role models. However,

if teachers are going to be permitted to “wear” their religion on their clothing, you should expect that teachers of all faiths will do so. But for every student who finds a positive role model because of shared religion with their teacher, another, particularly a child of a minority religion whose teacher shares the majority faith of the community, may feel excluded. Providing religious role models should be left to parents, and their religious community, outside of the public school arena.

We want to emphasize that the ACLU of Oregon is committed to continued analysis and discussions of this issue in the coming months. However, the Board of Directors instructed staff to oppose any efforts to repeal ORS 342.650 during the supplemental February session because of both the procedural and policy concerns expressed above.

## ACLU WILL MONITOR FEBRUARY SUPPLEMENTAL SESSION

As you read this, the Oregon Legislature will have embarked on its second “supplemental” session as a complement to the biennial session every odd year. The first supplemental session went for 18 days in February 2008.

It’s hard to predict all the issues that will arise, but we can predict that a number of proposals will affect civil liberties, even if unintentionally. One of the valid criticisms of these supplemental sessions is the challenge of addressing significant policy issues in such a short time.

In 2008, the legislature made significant changes to the Oregon driver license law, following up on the governor’s executive order. The governor’s order had required an applicant to provide his or her Social Security number (which is then immediately verified). Unfortunately, the legislature required an individual to present a document that contains the Social Security number. We alerted everyone to our concerns that this would create an unnecessary barrier (because many people do not have a Social Security card). But because of the speed of the session, we were unsuccessful in amending the bill.

It is with that concern that we embark on another supplemental session. As described on page 1 of this newsletter, the legislature will be considering a repeal of the law that currently prohibits public school teachers from wearing religious dress while teaching. This is an important policy issue that deserves meaningful discussion and deliberation in the 2011 regular session.

There also is another proposed bill that would expand the rights of crime victims to be involved in various types of post-conviction proceedings as well as decisions made by the Psychiatric Security Review Board. This proposal also raises significant policy issues, but the proponents have not



Photo by Jason McHuff

yet included the many stakeholders who were involved in previous legislation related to victims’ rights. We hope this, too, will be left for the 2011 session.

If you would like to receive action alerts sent out during the February session, please be sure to sign up on-line at [www.aclu-or.org](http://www.aclu-or.org).

## ACLU APPEALS PROTESTERS' TRESPASSING CONVICTIONS

As we previously reported, Michele Darr and others staged an around-the-clock, anti-war vigil on the Capitol steps in Salem prior to and during the 2009 legislative session. They were calling for an end to the Oregon National Guard's role in the Iraq and Afghanistan wars.

In November 2008, the Legislative Administration Committee ("LAC") met and purported to "reaffirm" its existing policy, which generally prohibited members of the public to stay indefinitely on the state Capitol steps, subject to discretionary use if allowed by the LAC administrator. Although it was not stated at the time, it appears the LAC was actually telling the LAC administrator that he should no longer exercise his discretion to allow overnight presence on the steps.

That same day, the LAC administrator delivered a letter to Michele Darr reciting that the rule prohibited overnight use of the steps. In fact, in the past—routinely since 2000—the LAC administrator had allowed participants in a 24-hour Salem Bible Reading Marathon to use the steps.

Immediately after the committee meeting, the Oregon State Police cited Ms. Darr for trespass. A few days later, the State Police cited her again for trespass and arrested her. She was released on her own recognizance, and after being photographed and fingerprinted, she returned to the Capitol.

The ACLU of Oregon intervened on Darr's behalf, sending a Dec. 8, 2008, letter to the Marion County District Attorney and to Scott Burgess, LAC administrator. The letter outlined the ACLU's belief that the state's actions resulted in violations of Article I, section 8 of the Oregon Constitution, which protected Darr's right to free expression, and Article I, section 26, which protects her right to assembly and to petition the governor for redress. Soon after receiving the letter, the district attorney agreed that he would not forward Darr's trespass citations to the court.

However, in January 2009, the LAC held a meeting, without providing notice that it was considering the LAC rules concerning the Capitol steps. It adopted new guidelines removing all discretion from the LAC administrator and prohibiting all activities on the steps between 11 p.m. and 7 a.m. unless there are legislative hearings or floor sessions taking place. The State Police then cited Darr and four fellow protesters, Mark Babson, Teresa Gooch, Greg Cleland and Peg Morton, for trespass, based on the new guidelines. The State Police also cited George Meek, who was taking photographs of the protesters.

After the trial court denied the defendants' motions to dismiss, the case was tried on Nov. 30 and Dec. 1, 2009. At trial, LAC administrator Burgess admitted that he had discussions with Senate President Peter Courtney about the protesters on the steps before the LAC rule was amended and the protesters were arrested in January 2009. However, the trial court sustained objections to Mr. Burgess testifying as to what Sen. Courtney instructed him to do.

As part of our defense, ACLU had subpoenaed President Courtney and House Speaker Dave Hunt, but the trial

court quashed those subpoenas—without even waiting for defendants to respond to the motions. President Courtney and Speaker Hunt refused to testify on the grounds of the Speech and Debate Clause of the Oregon Constitution. As a result, the trial court essentially precluded the defendants from attempting to prove that they were arrested for trespass because the LAC and/or other state officials had the protesters arrested with the express purpose of preventing them from conveying their message.

Although the LAC cited concerns about fire and the safety of the protesters, Mr. Burgess admitted there had never been a fire on the concrete and marble steps and plaza of the Capitol. The State Police actually has an office in the basement of the Capitol, with State Police personnel present until 2 a.m.

The trial court then found all of the defendants guilty, fined them \$603 each and ordered that they appear at the Marion County Correctional Facility to be booked and fingerprinted. Five of the six defendants immediately filed notices of appeal and moved the Court of Appeals to stay execution of the judgment. The appellate court stayed that part of the judgment requiring booking and printing, pending outcome of the appeal.

Our cooperating attorneys in these cases are Tim Volpert, David Blasher and Alan Galloway, all of Davis Wright Tremaine LLP, Michael Swaim of Michael E Swaim PC, and Jossi Davidson of Gracey & Davidson.

### HOLIDAY PARTY 2009



Photo by Vaughn Zeitzwolfe

Thanks again to David Wagner and Bill Dickey for hosting the Holiday Party. The event held at their lovely Portland home on Dec. 10 brought in more than \$10,000 to support the legal and educational programs of the ACLU Foundation of Oregon.

## COURT RULES IN LESBIAN PARENTAL RIGHTS CASE

Last spring, the ACLU of Oregon filed a joint *amicus* (friend of the court) brief, with Basic Rights Oregon, in the Oregon Court of Appeals. The case involved the parental rights of a woman in a lesbian relationship who is not the biological parent of children conceived or born during that relationship.

In July 2009, the Oregon Court of Appeals issued a favorable decision and reaffirmed the landmark *Tanner v. OHSU* (1998) decision that established that lesbian and gay people are a class of people that have been discriminated against and that the Oregon Constitution (Article I, section 20) is violated when a statute grants a privilege to spouses of heterosexuals without making the same privilege available to the domestic partners of homosexuals, unless the disparate treatment can be justified by genuine differences between the two classes of people.

The Court of Appeals stated that the passage of Measure 36 (2004), which placed in the Oregon Constitution the policy that marriage is between one man and one woman, did not change the *Tanner* analysis. The ACLU of Oregon played an instrumental role in bringing the *Tanner* case to court and filed *amicus* briefs in the trial court and Oregon Court of Appeals in that case.

In the current case, Sondra Shineovich and Sarah Kemp were in a domestic relationship for 10 years, during which time Kemp twice became pregnant by artificial insemination. The first child was born during the relationship; Shineovich and Kemp separated before the second child was born. After they separated, Shineovich brought a lawsuit, seeking a declaration that she is a legal parent of both children. She asserted that Oregon laws discriminate on the basis of gender and sexual orientation in violation of Article I, section 20, of the Oregon Constitution (the Equal Privileges and Immunities Clause) because the law creates a privilege for married men—legal parenthood by operation of law—that is not available to women in same-sex domestic partnerships. The trial court dismissed Shineovich’s claims, and she appealed.

The Court of Appeals’ unanimous three-judge opinion was

Denying parental rights to a lesbian partner because she cannot marry violates the Oregon Bill of Rights

authored by Judge Ellen F. Rosenblum and joined by Presiding Judge Rex Armstrong and Judge Timothy J. Sercombe. The court considered the constitutionality of Oregon’s artificial insemination laws (ORS 109.243). Applying the *Tanner* analysis, the court concluded that ORS 109.243 violates Article I, section 20. This statute grants a privilege by creating legal parentage in the husband of a woman who gives birth to a child conceived by artificial insemination, without regard to the biological relationship of the husband and the child, as long as the husband consented to the artificial insemination. If the husband consented to the procedure, he is, by operation of law—that is, with no need for judicial or administrative filings or proceedings such as adoption proceedings—the child’s legal parent.

Because same-sex couples may not marry in Oregon, that privilege is not available to the same-sex domestic partner of a woman who gives birth to a child conceived by artificial insemination where the partner consented to the procedure with the intent of being the child’s second parent. No justification exists for denying that privilege on the basis of sexual orientation, particularly given that same-sex couples may become legal co-parents by other means—namely, adoption.

The court concluded that the appropriate remedy for the violation of Article I, section 20, is to extend ORS 109.243 so that it applies when the same-sex partner of the biological mother consented to the artificial insemination. In the trial court, Kemp and Shineovich disagreed on whether Shineovich had consented to the insemination. Therefore the Court of Appeals has remanded this case back to the trial court to resolve this factual issue.

Kemp attempted to appeal this case to the Oregon Supreme Court. However, in December 2009, the Oregon Supreme Court denied her petition for review. The case will proceed in the trial court. ACLU of Oregon cooperating attorneys in this case were Charlie Hinkle and P.K. Runkles-Pearson of Stoel Rives LLP.

## OREGON FEDERAL JUDGES REQUIRE PROBABLE CAUSE FOR CELL PHONE RECORD SEARCHES

Federal prosecutors have increasingly been obtaining orders from federal judges authorizing tracking of the location of cell phones without first showing probable cause of illegal activity as required by the Fourth Amendment, according to reports from across the country.

Rather than obtaining search warrants, these requests and the court’s decisions, are often sealed, so the scope of the practice has been largely secret. If the surveillance obtained through these orders never results in an arrest, or if it is not

relied on at trial, the government takes the position that the existence of the surveillance never needs to be disclosed to the individual who was tracked.

Most cell phones can be used as tracking devices. The national ACLU has learned in its ongoing Freedom of Information Act litigation regarding cell phone tracking that the government can obtain several types of tracking data, including real-time location as well as historic information about a person’s whereabouts.

As part of a national effort, the ACLU of Oregon wrote to the U.S. Magistrate Judges of the District of Oregon inquiring whether such surveillance orders had been issued in Oregon and urging the court to prohibit such practice or invite the ACLU to brief the legality of the issue the next time an order was sought.

We are pleased to report that in Oregon such a practice will not be allowed. In a letter dated Dec. 21, 2009, U.S. Magistrate Judge Janice M. Stewart explained that neither she nor any of her colleagues in Oregon have received a request

for an order seeking real-time cell phone tracking absent a showing of probable cause. She concluded by stating that no U.S. magistrate judge in the District of Oregon would sign such an order, and their position has been conveyed to the U.S. Attorney's Office in Oregon.

While ACLU's effort to stop this practice continues across the country, in Oregon we can be assured that our Fourth Amendment right to protection against the federal government obtaining cell phone use and tracking information on anything less than probable cause is preserved.

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## BLOOD TEST SHOULD REQUIRE SEARCH WARRANT

ACLU of Oregon filed an *amicus* brief before the Oregon Supreme Court in a challenge to warrantless searches carried out under Oregon's motor vehicle "implied consent" law.

Under Oregon law, any person who operates a motor vehicle theoretically has given consent to submit to a blood draw in some circumstances without police first obtaining a search warrant from a judge. Before the blood test is administered, the person is informed of the consequences of refusing to submit to the test, which includes *automatic* revocation of driving privileges for a set period of time and a fine. We maintain that such searches require a warrant because any "consent" has been obtained under duress.

In *State v. Machuca*, the defendant was involved in a single car accident and was transported to the hospital. The investigating police officer concluded that there was probable cause to believe the defendant was under the influence of alcohol at the time of the accident after he entered the emergency room cubicle where the defendant was taken for treatment. The officer read the defendant the "implied consent rights and consequences" and asked him if he would "voluntarily" agree to take a blood test. Given the automatic onerous consequences of refusal, the defendant agreed. No court order was obtained before the defendant's blood was drawn. After the defendant was charged with reckless driving and driving under the influence (DUI), his attorney moved to suppress the evidence from the blood test, arguing it was obtained under coercion and therefore violated his constitutional rights against unlawful search and seizure under Article I, section 9 of the Oregon Constitution and the Fourth Amendment of the U.S. Constitution.

On Sept. 30, 2009, a closely divided Oregon Court of Appeals ruled in the defendant's favor, finding that the consent to the blood test was not truly voluntary and therefore was invalid. The court also held that the search was not valid without a warrant because the state failed to prove that a warrant could not have been obtained within a reasonable time to secure the evidence, even recognizing that alcohol dissipates in the bloodstream over time. The police officer had probable cause and, the court noted, the officer testified that a

warrant could be obtained in as little time as an hour and, in this case, the blood was obtained from defendant a little over an hour from the time probable cause was developed.

The Oregon Supreme Court quickly agreed to take the case and expedited the briefing schedule and oral arguments. We filed a brief urging the court to affirm the Court of Appeals majority. Under the Oregon Bill of Rights, consent for a search that otherwise requires a court-issued warrant must be given voluntarily. Here, the Oregon Legislature wrote the law to require that failure to give consent automatically results in a one-year suspension of driving privileges and a fine, even if the person was not under the influence. That is not voluntary consent.

Under Oregon's search and seizure protections, there are very limited exceptions to the warrant requirement. Under the exigent circumstances exception, the state must show that it could not have obtained a search warrant without sacrificing the evidence. In this case, the state has argued there should be an automatic exception to the warrant requirement in all alcohol-related cases. But under that theory, the exception would swallow the rule.

In every blood-alcohol case, there is a gradual dissipation of alcohol from the blood starting soon after the alcohol is consumed. The question becomes whether a marginal decrease in the strength of the measurement should automatically trigger the exigent circumstances exception. The state argues it should, without taking into account the actual time it would take to obtain a warrant.

With modern technology, the ability to obtain a telephonic warrant can occur in minutes, not hours. As this case illustrates, the time between the officer's determination of probable cause and the actual collection of the blood took a bit over an hour, during which time a telephonic search warrant could have been obtained. Without producing more facts in this case, the state failed to prove that exigent circumstances existed allowing for an exception to the defendant's constitutional rights.

Our cooperating attorneys are Kevin M. Sali of Hoffman Angeli LLP and John Henry Hingson III.

A telephonic  
search warrant  
can be obtained  
in minutes

# MEET THE 2010 BOARD SLATE

We would like to introduce you to the nominees for the ACLU of Oregon Board of Directors. There are 10 at-large positions to be filled in 2010.

In a separate process, our three chapters each elect two voting representatives to serve on the statewide board. Those chapters are the Benton-Linn Counties Chapter, Lane County Chapter and Southern Oregon Chapter, serving Jackson, Josephine and Klamath counties.

The Nominating Committee of the Board has several criteria to balance as it seeks candidates to run for election to the board. For example, ACLU policy requires that we set out affirmative action goals. In Oregon, our affirmative action plan requires that we strive for gender and racial/

ethnic representation on the board in proportion to Oregon's population. Additionally, our affirmative action goals require that we strive for 10 percent of the board to be people who self-identify as people with disabilities and 10 percent who self-identify as lesbian, gay, bisexual or transgender.

In addition to the affirmative action goals, the Nominating Committee seeks candidates who will provide geographic, age and experience diversity. The chart below shows the geographic distribution of the current board of directors. As we seek individuals who meet these criteria, we ask each candidate to meet several expectations, such as attendance at the six bimonthly meetings of the board and to actively participate in the financial stewardship of the organization,

## TO FILL A ONE-YEAR TERM



**Greg Hazarabedian (Eugene)**

I first became an ACLU member in the 1970s as a young adult in the San Francisco Bay Area. While in law school I began working with the Southern District Lawyers Committee in Eugene and have done so since. I also recently served on the

Litigation Review and Case Acceptance Criteria committees. I am a criminal defense lawyer.

## TO FILL A TWO-YEAR TERM

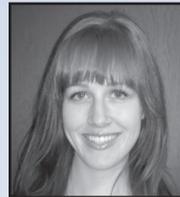


**Cary Jackson (Portland)**

Cary is a retired business and real estate investor and current ACLU board member. He volunteers as a mentor and board member for the Rosemary Anderson High School/Portland Opportunities Industrialization Center which provides alternative school

services to students not succeeding in Portland Public Schools.

## TO FILL THREE-YEAR TERMS



**Stasia Brownell (Portland)**

As a longtime volunteer for the ACLU-OR, I helped form and serve as co-chair of the Outreach Committee focused on increasing organizational visibility and support, particularly with people under the age of 40. I created and regularly contribute

to ACLU-OR's Facebook fan page and group. As a college student, I was actively involved with student organizing and am currently creating opportunities for the ACLU-OR to work with students at Portland Community College and to establish an ACLU student group at Portland State University. In addition, I work for 3Degrees, where I promote participation in renewable energy programs offered by utilities.



**Michael Cartwright (Dallas, Polk County)**

While advocating for the safety of people with developmental disabilities, I investigated, trained and supervised 70 abuse investigators statewide to investigate

allegations of abuse involving people with developmental disabilities living in group homes and adult foster homes. In Oklahoma, I worked with county district attorney's offices and administered a drug and alcohol diversion program. I advocated for deferred sentencing in order for the defendant to participate in a recovery program instead of being convicted and sent to prison. I serve on the board for the Oregon Assembly for Black Affairs (OABA). The purpose of the OABA is to improve the political, educational, social, legal and economic status of blacks in Oregon. I have a master's in Criminal Justice Management and Administration.



**Jennifer Middleton (Eugene)**

I am a partner at Chanti & Middleton, P.C., in Eugene, where I represent plaintiffs in employment and civil rights cases. Before I moved to Eugene in 2006, I served as a staff attorney at the national headquarters of the

## MAKEUP OF CURRENT 2009-2010 BOARD (29 MEMBERS - 1 VACANCY)

Geographic Diversity	Total Members
Portland Area	15
Eugene	3
Corvallis Area	3
Salem	1
Roseburg	1
Ashland/Medford Area	4
Newport	1

particularly fund-raising duties.

The ACLU of Oregon Board of Directors is comprised of 24 at-large members elected by the entire membership. These positions are divided into three classes with staggered terms so that eight positions are up for election each year.

This year, members will vote for eight full, three-year terms positions. Also, there are two unexpired term vacancies to fill, therefore there is one position for a two-year term and one position for a one-year term. Ballots will be mailed to all current statewide members in early April and are due in the Portland office no later than 5 p.m. on May 3.

Additional nominees may be made by petition of any 10 members. A petition shall state the term for which a candidate

is nominated; it shall also include the candidate's background and qualifications and a signed statement expressing the nominee's willingness to serve if elected. Such a petition must be received in the Portland office no later than 5 p.m. on March 22.

We would like to thank outgoing board members Jim Arneson (Roseburg), Tamara Brickman (Salem), Joyce Cohen (Portland), Leonard Girard (Portland), Hank Miggins (Portland), Patricia Norris (Lake Oswego) and Leila Wrathall (Portland) for their service and dedication to the ACLU of Oregon. Most served on the board for six years.

The Nominating Committee presents these candidates for the 2010 board election.

ACLU in New York in its Lesbian & Gay Rights Project, and as a senior attorney at Lambda Legal Defense & Education Fund. I have dedicated my legal career to advancing civil rights and economic justice, building on work I did before law school as a community and labor organizer.



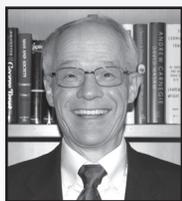
**Harriet Merrick (Eugene)**

In the past, I served on the ACLU board (six years) and the following committees (both while I was on and off the board): Development, Capital Campaign, Nominations, Legislative, Executive, Budget, Education and Events. I bring 32 years of university business management, executive and board chair experience from ACLU coalition partners Basic Rights Oregon and Planned Parenthood of SW Oregon.



**Fred Neal (Portland)**

Current ACLU-OR National Board Representative; ACLU National Affiliate Affirmative Action Officer (NAAAO) since 2007; Chair, National Board Special Nominating Committee. Member of Oregon ACLU board 1987-1993 and 2000-2003. Recipient, 1992 Oregon ACLU Civil Liberties Award. Retired attorney, lobbyist, and bureaucrat. Board member, Oregon State Capitol Foundation. Former board member, National Association of Counties, Oregon Agri-Business Council, and Right to Privacy PAC.



**William J. Rainey (Sisters)**

Bill Rainey grew up in Oregon and Washington, including Lyons, Redmond, and 6th grade through high school in Reedsport. He earned a BA from Harvard University and a JD from University of Michigan Law School. Bill initially practiced law in New York City, became house counsel with Weyerhaeuser, then general counsel for various Fortune 500 companies in various parts of the U.S. He has served on nonprofit

boards providing support for the homeless and children, the California Minority Counsel Program and currently is a board member of the American Red Cross Oregon Trail Chapter (Portland) and the Deschutes Land Trust (Bend). He is a member of the ABA's Section of Individual Rights and Responsibilities and has actively promoted the interests of minorities and women in the corporate workplace.



**P.K. Runkles-Pearson (Portland)**

I grew up in Oregon, graduating from high school in the Columbia Gorge and earning my B.A. from Pacific University in Forest Grove. I lived in New York City from 1999 to 2004 (a tumultuous time for individual rights), during which I graduated from NYU School of Law and entered private practice. After returning to Oregon to clerk for Justice Thomas A. Balmer of the Oregon Supreme Court, I joined a Portland law firm, where I practice appellate and employment law.



**Heather Van Meter (Portland)**

A Salem, Ore., native; undergraduate degree from University of California, San Diego; law degree from Willamette Law School; master's degree candidate (human rights law), University of Oxford; partner in civil defense litigation firm, handling product liability and other complex cases; co-president of Oregon Women Lawyers; member of Oregon State Bar House of Delegates. Her first work for the ACLU was with Hon. Tom Balmer in 1999, on a drug-free zone exclusion act appeal. Since then, she has worked on free speech, prisoner rights, reproductive rights and LGBT issues on the Intake Screening Committee and Lawyers Committee. She is a current board member running for re-election.

**WATCH YOUR MAIL FOR YOUR BALLOT—  
IT WILL BE ARRIVING SOON**

## 9<sup>TH</sup> CIRCUIT RULING SHOULD HELP LIMIT USE OF TASERS

The last week of 2009 brought welcome news for the ACLU of Oregon's continuing efforts to curb the over-use of Tasers by law enforcement in our state. On Dec. 28 a three-judge panel of the 9<sup>th</sup> Circuit U.S. Court of Appeals found a police officer's use of a Taser on an unarmed non-violent subject was an unconstitutional use of force.

The case, *Bryan v. McPherson*, arose from a traffic stop in Coronado, Calif., in which a young man was pulled over for failing to wear his seat belt. The driver, apparently angry and frustrated by his own negligence, got out of his car and stood swearing at himself while pounding his fists on his thighs. He was clad only in cut-off jean shorts and sneakers. According to the court record he made no threats against the officer and was obviously unarmed. Nevertheless, the officer shot the man with his Taser, causing him to fall to the pavement, breaking four of his front teeth. A doctor had to use a scalpel to remove one of the Taser darts embedded in the man's skin.

If this decision stands, it gives credence to efforts by the Oregon ACLU and others that have been seeking tighter rules governing police use of Tasers. These devices have been in widespread use throughout the country, and many communities have experienced Taser-related deaths as well as misuse and abuse of Tasers by police.

The latest controversy in Eugene was sparked when an officer Tased a newly arrived Chinese student in his own residence after police were called to the apartment by the landlord, who mistook his tenants for trespassers. Many community members already were supporting greater restrictions after officers Tased a non-violent political protester in downtown Eugene in May 2008. The fact that Eugene Police Chief Pete Kerns found the officers' actions in both cases to be within policy has reinforced our long-held view that the department policy is too broad, allowing the use of these potentially deadly weapons on unarmed non-violent subjects.

Eugene is not alone in having a broad policy on Tasers. The majority of Oregon police departments allows the use of Tasers to arrest subjects offering only a low level of resistance or who are being taken into custody for non-violent offenses. Ashland remains the one exception, having adopted a policy very close to ACLU of Oregon's recommendation that Tasers be reserved for those circumstances that would most likely otherwise escalate to requiring deadly force. As a result, Ashland police now rarely threaten to use their Tasers and have not actually fired a Taser since revising their policy in 2007.

We continue to urge all police agencies to adopt similar strict policies and reduce their reliance on Tasers. Our review of Taser policies from 26 police and sheriff departments in Oregon reveals that an alarming number of department policies provide little or no restriction on when or upon whom Tasers can be used. Many of the policies fail to warn of injuries that can result when a person falls to the ground after being Tased, as happened to Bryan, nor do they warn

against using Tasers on children, pregnant women or other potentially vulnerable populations. These omissions could have potentially serious consequences for those involved. In a 2007 incident in Medford, police attempted to Tase a man while he was standing in a river. Fortunately the Taser failed to make contact or the subject, who had not committed any crime, would almost surely have been seriously injured or killed as the electrical current made contact with the water.

The 9<sup>th</sup> Circuit's ruling offers advocates of reform a legal standard to which we can hold police departments accountable in how they employ these weapons. Taser International, the major manufacturer of these conductive electric devices, has spent many millions of dollars promoting Tasers as a minimally intrusive method of gaining compliance that reduces injuries for all involved, and from which people recover in an instant. The 9<sup>th</sup> Circuit panel in the *Bryan* case found that the Taser "intrudes upon the victim's physiological functions and physical integrity in a way that other non-lethal uses of force do not...causing intense pain and effectively commandeering a person's muscles and nerves." The court expressly rejected the argument that the "temporary" nature of the pain caused by the Taser was a non-intrusive level of force. Because of this, the court held, use of a Taser by police must be justified by the presence of an actual threat, not merely the officer's fear that a person might become a threat.

The officer in the California case claimed he thought that Bryan may have been mentally ill when he decided to use the Taser against him. The court's response to this assertion provides support for ACLU of Oregon's insistence that all officers who carry Tasers should first go through crisis intervention training to learn verbal and other non-force techniques for dealing with people in crisis. The court stated "a mentally ill individual is in need of a doctor, not a jail cell, and...the government's interest in deploying force to detain him is not as substantial as its interest in deploying that force to apprehend a dangerous criminal."

We welcome the court's re-statement of this crucial distinction. We have seen too many instances of police discharging Tasers to subdue people experiencing a mental health crisis who posed no threat to themselves or others. Police justify such use as expedient and less likely to lead to injuries that might be caused by other force methods. We maintain that police agencies have a responsibility to employ alternative methods in such cases, taking the time necessary to ensure a safe outcome for everyone involved.

While the 9<sup>th</sup> Circuit decision is not final, it is already having a positive impact in Oregon. The Eugene Police Department has revised its draft policy to comply with the ruling, and other police agencies are expected to do the same. Regardless of what happens in the courts, we will continue to lobby for stricter policies and greater accountability for police who have been too quick to use their Tasers on unarmed non-violent individuals.

## ELECTRONIC TOLL COLLECTION RAISES PRIVACY AND EQUAL PROTECTION CONCERNS

The ACLU takes no position on whether traffic tolls should be imposed, or on the appropriate rates. However, we do firmly believe that any toll system must comport with basic civil liberties principles, including the right to privacy and equal protection under the law.

The issue has arisen in Oregon because the states of Oregon and Washington plan to collect tolls electronically on the new bridge proposed for Interstate 5 across the Columbia River. Plans currently do not include an option to allow motorists to pay the toll in cash. We expect to propose legislation in the 2011 Oregon legislative session to address our concerns.

Electronic tolling relies on transponders placed on the windshield of vehicles to automatically pay each toll as a motorist passes a specific point. Each toll paid electronically generates a record that includes the time and date the specific transponder passed that point.

Depending on the placement, those combined records can provide a considerable amount of information about a motorist, including work, family, recreational and social patterns (e.g. heading to a political event, frequenting a medical facility). Privacy protections need to be put in place to ensure that this data is only used for billing purposes and barring any other use by the government or the private sector.

Providing the option of paying cash allows individuals who have privacy concerns to prevent tracking of their movements. It also makes it easier for low-income individuals and those from out of the area to easily pay the toll. All-electronic toll collection, without a cash option, poses unreasonable burdens on those unable or unwilling to obtain a transponder and fund an ongoing toll account, including those without a credit or debit card. It is also likely to generate considerable confusion for infrequent drivers, including visitors and tourists.

It is important to put privacy protections in place prior to the actual implementation of any toll system in Oregon so that those protections can be made part of any system from the beginning.

Solutions include:

- Mandating lane(s) to accommodate cash payments with no record kept of vehicle identity. This is the only way to ensure privacy in travel information, and it also would prevent creating an unreasonable burden on those who cannot afford to set up a credit/debit card account;
- Allowing anonymous cash payment for transponders. No one should be forced to give up personal information to use a transponder, which in turn allows use of the toll express lanes;
- Mandating short retention periods for identifiable toll records. Each toll record should be destroyed as soon as final payment for the toll has been processed. In no case should this require retention for more than a few months;
- Implementing legal prohibitions on secondary use of toll and travel records. The purpose of tolling records is simply to facilitate toll payment, and that is the only use that should be made of the records. The best way to encourage people to adopt electronic toll payment methods is to guarantee that records of those payments will not be used for any other purpose;
- Implementing legal safeguards against third parties reading transponders. Reading transponders should be restricted to the purpose of paying the toll. There should be no risk of third-party collection of this data.

### TRANSITIONS IN THE ACLU OF OREGON STAFF

Change is never easy, but the challenges of transitions keep us vital and moving forward. At the end of 2009, we had two staff departures:

- Legal Director Chin See Ming left at the end of November to re-enter private practice. As our first legal director who was also an attorney, Ming allowed for an expansion of the program with more direct representation cases, the ability to have law school interns who require attorney supervision and peer-to-peer outreach to recruit more cooperating attorneys. The ACLU of Oregon is currently in the process of hiring a staff attorney to build upon the work that Ming did during his tenure.
- Development Associate Evyn Mitchell took a position with the Oregon Senate Democratic

Leadership Fund beginning in late December. During her time with the ACLU of Oregon, Evyn organized a number of events including the Uncensored Celebration and the 2009 ACLU Foundation of Oregon Dinner. She also was a vital member of both the development team and the outreach workgroup and was instrumental in the creation of the Portland Outreach Committee.

As the ACLU of Oregon prepares for the new fiscal year that begins April 1, the organization is looking closely at the budget and current staff vacancies to determine whether some restructuring of positions is in order. While exploring options, we have appreciated the contributions that Ryan Gersovitz, Julianna Greenlaw and Emily Moeller have provided as temporary employees over the past few months.

## CELEBRATING THE FREEDOM TO READ IN OREGON

**I Read  
Banned  
Books**

Annual Banned Books Week events in Oregon are expanding across the state, with 32 of 36 counties participating in 2009. The ACLU of Oregon and partners celebrate the freedom to read every fall, with Banned Books Week events during the last week of September and, in some places, the entire month of October.

The project began in 2006 as a celebration of the 50th anniversary of the ACLU of Oregon and 25th anniversary of Banned Books Week. Positive response to the 2006 event encouraged participants to continue and expand the celebration. Original sponsors were the ACLU of Oregon and the Oregon Library Association's Intellectual Freedom Committee. Since then, the Oregon Association of School Libraries and the Oregon Intellectual Freedom Clearinghouse have joined as sponsors.

For the 2009 events, coordinators were Katie Anderson, Coordinator Oregon Intellectual Freedom Clearinghouse; Leigh Morlock, OASL Intellectual Freedom Committee chair; Candace Morgan, member of the OLA Intellectual Freedom Committee and ACLU of Oregon Board; and Evyn Mitchell, ACLU of Oregon development associate.

Programs in 2009 included readouts in cooperation with the Eugene and Springfield public libraries, a lyceum at Concordia University and a panel discussion at the Multnomah County Library. Thousands of buttons proclaiming "I Read Banned Books" were distributed, sparking conversations about the freedom to read, challenges to books and intellectual freedom in general.

A searchable list of materials challenged in Oregon beginning in 1979 is available at <http://www.aclu-or.org>.

**"Since starting a banned/challenged discussion with students several years ago, I've had fewer challenges in our library."**

– elementary school librarian

### UNCENSORED CELEBRATION PROVES TO BE A FREE SPEECH EXTRAVAGANZA

The Uncensored Celebration in October was a great success, bringing together authors, musicians and activists to reach out to the next generation of civil libertarians.

Since the fall of 2008, the ACLU of Oregon has been making a concerted effort to increase involvement with the next generation of civil libertarians by creating the Portland Outreach Committee (formerly the Youth Outreach Committee). This group's largest project during 2009 was planning a revival of the ACLU's Uncensored Celebration as a part of Banned Books Week held the last week of September.

The committee chose to focus its efforts on free speech rights as one of the ACLU's most accessible issues for all age groups.

A success beyond imagination, this event brought together local celebrities, authors and musicians to bring to light the importance of free speech and intellectual freedom with a younger audience. With over 250 people in attendance (half being new to the organization), the celebration raised close to \$1,100 for the ACLU Foundation of Oregon's education, litigation and grassroots lobbying programs.

Held at Holocene in Southeast Portland

on Oct. 1, the program featured authors Chelsea Cain, M. Allen Cunningham, Cheryl Strayed and Matt Briggs; musical performances by The Slants, DJ O.G. One, Mic Crenshaw and DJ Anjali; and masters of ceremonies Storm Large and Cool Nutz.

Planning has started for the 2010 Uncensored Celebration. Stay tuned for more details.



DJ O.G. One leads late-night uncensored celebrants at Holocene in Portland.  
Photo by Cameron Browne

## AN ACLU HERO: MARY BETH TINKER

A true ACLU hero, Mary Beth Tinker, was honored Dec. 3 by the ACLU Foundation of Oregon and the Lane County Chapter during a benefit reception in Eugene.

In December 1965, a small group of high school students in Des Moines, Iowa, decided to wear black armbands to school to show their support for Sen. Robert Kennedy's call for a Christmas ceasefire in the Vietnam War. Unfortunately, having heard about the students' plan, the school board preemptively passed a ban on the armbands. Students who wore the armbands anyway, including Mary Beth and her brother, John, were suspended from school until they agreed to remove the armbands. The students eventually did comply, but they wore black clothing the remainder of the year in protest.

Mary Beth, her brother, John, and the rest of the Tinker family embarked on a four-year court battle with the assistance of the ACLU, culminating in 1969 with the landmark Supreme Court decision *Tinker v Des Moines*. Their legal battle ended with the decision that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

In a recent interview in the Eugene *Register-Guard*, Mary Beth explained that after winning this case, "Newsweek and Time magazine were coming to my school, which was really strange as a 16-year-old. But over the years, I felt that if I could use my experience to further the well-being of young people now, then I would do that." And that is exactly what she has done. Mary Beth spoke passionately about children's rights at the ACLU Benefit Reception, ranging from expression issues, child abuse and the decline in graduation rates.

The following day, Mary Beth allowed the ACLU staff to shepherd her around Eugene as she visited students at Kennedy Middle School and held an assembly and participated in a government class at South Eugene High School. She also found the time to meet with two University of Oregon graduate students interested in interviewing her for their dissertations.



Kamille, a student, receives encouragement and advice from Mary Beth Tinker at the reception held in Mary Beth's honor.  
Photo by Bonnie Souza

We offer special thanks to our host, Adam's Sustainable Table, and to our sponsors:  
Shawn Donnille of Mountain Rose Herbs  
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Lane Community College Peace Center  
Lord Leebrick Theater  
Oregon Bach Festival

## ACLU GROUP OBSERVES PORTLAND MARCH



Photo by Claire Syrett

On Dec. 5, members of the Portland Outreach Committee served as neutral legal observers for the Spirit of Seattle march in downtown Portland, commemorating the 10-year anniversary of the anti-World Trade Organization protests in Seattle.

## LANE COUNTY CHAPTER

The Lane County Chapter board continued its outreach to the next generation of civil libertarians with the September launch of the Lane County Student Essay Contest. The contest, open to all Lane County high school juniors and seniors, offered the first- and second-place winners cash awards for written essays on the topic of free speech or religious freedom. After reviewing the submissions the chapter awarded first prize to Kate Becker of Springfield, a student at the Springfield Academy of Arts and Academics.

To celebrate Banned Books Week, the chapter teamed up with the Eugene and Springfield public libraries to host Banned Books Read-outs featuring community members reading from books that have been challenged in Oregon. Both events drew interest from library patrons, who often expressed surprise that some of their favorite books have been targeted for censorship.

### SAVE THE DATE:

The Lane County Chapter's Annual Membership Meeting will be held Sunday, February 21 from 2:00 – 4:00 p.m. at the Unitarian Universalist Church, 477 E. 40th Ave., Eugene. This year's guest speaker will be Bryan Lessley, a federal public defender who has been representing people held in Guantanamo. Lessley will talk about his experiences working with those in detention and the conditions under which they have been held for the past eight years.

## BENTON-LINN CHAPTER

The Benton-Linn Chapter held its Annual Membership Meeting on Nov. 19 in Corvallis. The program featured a screening of the documentary film "Secrecy," which explores the many ways in which our government attempts to keep secrets. Members discussed their reactions to the issues raised by the film, including the difficulty of balancing the needs of a democratic society against the needs of a national security system that relies on secrecy.

The chapter highlighted Banned Books Week at its Corvallis Fall Festival booth in September with a display of challenged books that engaged community members who might otherwise be unfamiliar with ACLU of Oregon's work. In December, the chapter co-sponsored a talk by Mary Beth Tinker, who was part of a historic ACLU case in the 1960s that established free speech rights for students. Ms. Tinker's talk focused on the accomplishments of young people who are standing up for their rights across the country.

The chapter is monitoring the Corvallis City Council's reconsideration of the city's restrictions on buskers. The city currently limits street musicians to one area of town, which we believe is in violation of the Oregon Constitution. The city council has agreed to look at easing those restrictions, and the chapter will be watching to see how the council proceeds.

There was good news in another local Corvallis matter that the chapter was monitoring: the Corvallis school board decided not to initiate random drug-dog searches on school campuses, something the school board had been considering.

## SOUTHERN OREGON CHAPTER

The Southern Oregon Chapter held its Annual Membership meeting on Oct. 25 in Ashland. The meeting featured a panel discussion on the use of Tasers in Oregon. While a number of local law enforcement officials were invited to participate, only Ashland Chief Terry Holderness attended. He was joined on the panel by ACLU of Oregon Executive Director David Fidanque and Southern Oregon Chapter board chair Derek Volkart. With state board member Jeff Golden serving as moderator, the panel discussed the issues raised by the widespread use of Tasers in Oregon, and fielded questions from the audience. The meeting received coverage on a number of local news channels.

The chapter is continuing work on a number of projects including its investigation of conditions at the Jackson County Jail, collecting information from current and former inmates about their treatment. Members of the chapter board spoke at recent Ashland City Council meetings to urge the city not to expand its ban on public nudity and continues to seek a satisfactory outcome in the case of Medford's public assembly permit requirements. The chapter will also continue to monitor how the Ashland 4<sup>th</sup> of July parade organizers deal with the issue of charging different fees for different kinds of parade entries.

Here is the chapter's 2010 meeting schedule. Regular board meetings will be held on the following Saturdays from 10 a.m. to 12:30 p.m. at the Ashland Public Library: Feb. 20, April 17, June 12, Aug. 21 and Dec. 18. The annual membership meeting will be held on Sunday, Oct. 17.

## LEWIS & CLARK LAW SCHOOL STUDENT GROUP

After a few years of hiatus, the Lewis & Clark Law School ACLU has again become an active part of the campus and community by rechartering in November 2008.



Professor Stephen Kanter speaks to the Lewis & Clark Law School Student Group. Kanter is the faculty adviser for the group.

Activities in the fall of 2009 included organizing an ACLU Thursday event that featured faculty adviser Stephen Kanter's preview of the U.S. Supreme Court term; co-sponsoring events with student organizations Outlaw and the American Constitution Society; partnering with the Boley Law Library for Banned Books Week; and volunteering

at the Uncensored Celebration, an ACLU of Oregon event. Members Kristen Chambers and Walter Fonseca assisted ACLU of Oregon attorneys with the case *Moss v. Secret Service*.

In early February, the Lewis & Clark ACLU was the special guest organization for Planned Parenthood's Sexy Tuesday event. Other plans include a discussion about legal issues surrounding women's reproductive health care, and a discussion about the civil rights implications of e-Verify. The chapter's signature event will be A Celebration of Civil Rights and Liberties: Legacy of *Brown v. Board of Education* in April.

For details, check our website: ([www.lclark.edu/law/student\\_groups/aclu](http://www.lclark.edu/law/student_groups/aclu)). Contact the chapter at [LawACLU@lclark.edu](mailto:LawACLU@lclark.edu). The group has also started a blog, thanks to Emerson Lenon, that will document their activities and events. It's at <http://aclu-lc.blogspot.com/>

The ACLU is excited to be back at the law school and thus far has received great support from the law school's student body and faculty. We are working hard in this first year back to create a strong foundation to ensure that the ACLU always has a home at the law school. We don't think it will be difficult, as the students are active and eager to engage the community. More importantly, with an extremely supportive local affiliate, we think there is great potential for a very productive relationship between the students of the law school and ACLU of Oregon.

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## GIVE AND RECEIVE PAYMENTS FOR LIFE

With a charitable gift annuity, when you make a donation of cash or securities of \$5,000 or more to the ACLU Foundation, you receive fixed guaranteed payments for life. You will be eligible for an income tax deduction and receive substantial capital gains tax savings on gifts of appreciated stock.

Sample Annuity Rates	
Age	Rate
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65	5.7%
70	6.1%
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80	7.6%
90	10.5%

Your payment rate is based on your age at the time of your gift and you must be at least 60 years of age when payments begin. You may even be able to use real estate, art work, or other property to generate lifetime payment while supporting civil liberties.

*This information is not intended as tax or legal advice. We recommend that you consult with your legal and financial advisors to learn how a gift would work in your circumstances. Laws and regulations governing all gifts and availability of certain life income gifts vary by state.*

Find out more by visiting [www.aclu.org/annuity](http://www.aclu.org/annuity), emailing [legacy@aclu.org](mailto:legacy@aclu.org), or by calling (toll-free) 877-867-1025

## JOIN KATE CLINTON AT THE LIBERTY DINNER ON MARCH 6

You are cordially invited to the ACLU Foundation of Oregon Liberty Dinner on Saturday, March 6 in the Pavilion Ballroom of the Hilton Portland (921 SW 6<sup>th</sup> Avenue, Portland). The dinner features humorist Kate Clinton, Rep. Mary Nolan, KPOJ's Carl Wolfson, Bill Dickey, ACLU award recipients, the Lions of Batucada, and much more.

You can register online at [www.aclu-or.org/libertydinner](http://www.aclu-or.org/libertydinner) or by calling James Phelps at 503-552-2101. Tickets for the general reception and dinner are \$125. Tickets for dinner and a hosted reception with Kate Clinton and the awardees are \$200. Dinner begins at 7 p.m. Sponsorships and table host options are available as well. Contact James for more information.

This event is sponsored in part by:

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Start your new decade dance with Kate Clinton—comic without borders, wake-up artist, and the original reality gatecrasher. See Kate perform her world-famous burlesque Bubble Wrap Dance as she gleefully pops the air out of deniers and disruptors, birthers and dearthers, conservadems and bibliocrats, the -stans and the bans, spine flu and whine flu, ex-gays and A-gays, the audacity of nope and of course, the pope. All material fully digitalized and gorgeously styled by the Haus of Ha.

Pacific Power is proud to partner with the ACLU Foundation of Oregon by purchasing Blue Sky renewable energy for this event. This purchase prevents 1,218 pounds of carbon dioxide emissions - that's like not driving a car about 1,268 miles or planting 14 trees.