

ACLU Oregon



**BLACK LIVES
MATTER &
THE FIGHT FOR
DEMOCRACY**

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We at the ACLU will use each day to carry forward her legacy.

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UPCOMING

Please join us online. Learn more and RSVP at aclu-or.org/events.

OCT. 22 – NOON

Election Voting Guide Webinar

NOV. 12 – 5:30 PM

State of the Union Post-Election Update

MARCH 12 – 5:30 PM

Virtual Liberty Dinner featuring Nikole Hannah-Jones

ILLUSTRATION BY STACIE BALKARAN



Dear ACLU supporters,

As I write this column, I am heartsick. I am angry. I am resolute.

In the U.S., we have surpassed 200,000 deaths from COVID-19. This pandemic that continues to isolate, sicken, and kill so many, but especially Black, Indigenous, and other people of color (BIPOC), has laid bare the systemic oppression that is at the root of inequality in America.

Wildfires have destroyed communities in our state, leaving so many more people houseless and lives devastated.

The police officers responsible for killing Breonna Taylor were released from accountability by a grand jury and another American city is engulfed in rage and despair from the evidence that, once again, Black lives do not matter.

Through all of this, Donald Trump is fanning the flames of racism. He is extolling white supremacy and abusing the immense power of the presidency to undermine voter confidence, suppress voting, and destabilize our democracy.

And our beloved Supreme Court Justice Ruth Bader Ginsburg has died. She was one of us, part of the ACLU family.

What are we to do with our collective grief, with this intolerable state of affairs? Many people just want 2020 to end. Some are giving up hope. These are not acceptable options.

To only focus on ending the nightmare that is 2020 doesn't require us to examine how we got to this grievous period in our nation, doesn't require us to be accountable for white silence or for the ways our individual and collective privileges continue to protect just some of us. There is a new uprising for racial justice and it is long overdue. We must continue to hope and continue to act for justice!

Author, activist Rebecca Solnit has written that "hope.... is an axe you break down doors with in an emergency. Hope should shove you out the door, because it will take everything you have to steer

the future away from endless war, from the annihilation of the earth's treasures and the grinding down of the poor and marginal..."

2020 may be a never-ending emergency, but every single day dedicated ACLU staff and volunteers across the country, and most definitely in Oregon, are "wielding our axes," "breaking down doors," calling for justice, and fighting for all of us.

ACLU lawyers are in court and our legal observers are on the streets, defending the right to protest against the racist and violent policing of BIPOC people.

We have filed four lawsuits to stop the federal and local police from using tear gas and other munitions against journalists, legal observers, and medics and to stop police livestream surveillance of protests.

We are working for the release of adults in custody from our overcrowded prisons. A prison sentence should not be a death sentence from COVID-19.

We are calling for ICE to be disbanded. This agency's human rights abuses are happening on our watch and must be stopped.

I am inspired by the growing Black Lives Matter movement and to witness teens, moms, dads, and veterans turning out in support of these calls for justice in so many of Oregon's communities - large and small, urban and rural.

Growing efforts to address police accountability, to "divest" from our current system of policing and "reinvest" in models of public safety that help BIPOC communities thrive, have just begun in the Oregon legislature and on the ballot in Portland.

Now our hope and action turns to voting.

Across the country, the ACLU is fighting voter suppression and preparing for the many election crises that could occur.

In Oregon, we have a model mail-in voting system that will allow our votes to be counted. Yet, I urge you to vote early enough to ensure timely postal delivery by Election Day or to use the official ballot drop boxes found in every county.

Amidst the destructive chaos of 2020, we also have a tremendous opportunity to break the back of the War on Drugs that has destroyed so many lives, by voting yes on Measure 110. We can lead the country in changing this narrative by changing how we act with regard to drugs.

Let's not forget that Breonna Taylor was killed in our government's War on Drugs. This is a racialized war that our government has conducted against its own people using militarized police forces for decades.

Oregon has an addiction crisis. Nearly one in 10 Oregonians suffer from substance abuse disorder and hundreds of thousands of Oregonians needed treatment last year but were unable to receive it.

We continue to treat addiction as a crime, rather than a healthcare issue, arresting nearly 9,000 people each year for personal drug possession. And this criminalization disproportionately targets BIPOC and LGBTQ+ community members. For years, this approach has ruined lives and it doesn't work.

The ACLU of Oregon supports shifting to a more humane, health-based approach to drugs. If we can pass Measure 110, Oregonians will, once again, be leading real and important change in our country.

Justice Ginsburg often reminded us that, "Real change, enduring change, happens one step at a time." Our work ahead, no matter the election results, will be daunting. We cannot stop until there is justice for all.

The ACLU is all in. I hope you are, too. I could not be prouder to work with all of you as we work for real and enduring change, together.



Jann Carson
Interim Executive Director



DEFENDING THE RIGHT TO PROTEST & FREEDOM OF THE PRESS

Protest is an essential part of our democracy. Throughout our history, it has taken protest to disrupt injustices and to open paths for change.

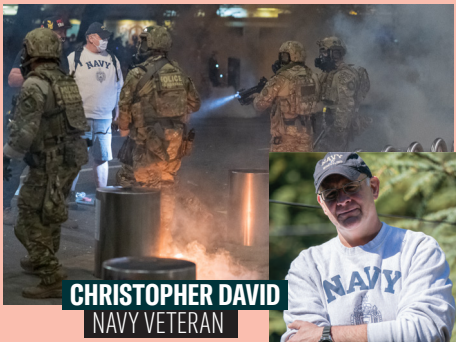
Across the state, people have taken to the streets to express their outrage over the police murders of Black people. But protests against police brutality and racism have too often been met with bias, excessive force, and indiscriminate crowd-control weapons like tear gas. In Portland, federal forces were deployed against protesters, adding police escalation on top of police escalation.

This summer, we filed four lawsuits on behalf of protesters, journalists, legal observers, and protest medics, with more to come.



PROTESTERS WHO WERE ABDUCTED BEATEN, SHOT, AND GASSED BY FEDERAL AGENTS

PETTIBONE V. TRUMP



"I swore an oath to defend the Constitution. If unchecked, the flagrant violations of our civil liberties in Portland will undermine our freedoms all across the country."

Protesters who were abducted, beaten, shot and gassed by federal agents in Portland, Oregon, sued President Trump, the U.S. Department of Homeland Security, the U.S. Marshals Service, DHS officials, and the federal agents that violated the protesters' civil rights.

The federal lawsuit seeks damages for injuries sustained by eight individual plaintiffs and two organizational plaintiffs as well as a judgment declaring that the actions of the Trump Administration and its federal agents in Portland violated the Constitution and federal law.

Clients include:

- **Christopher David**, the Navy veteran who made national headlines after videos showed him being beaten and gassed by federal agents.
- **Nichol Denison**, a veteran who has hit in the head with a tear gas canister.
- **Maureen "Mo" Healy**, a college professor who was hit in the head with a metal projectile.
- **James McNulty**, a protester who was shot in the back.
- **Andre Miller**, a protester who was shot in the head.
- **Duston Obermeyer**, a veteran who was beaten with batons and shot point-blank with a chemical irritant.
- **Mark Pettibone**, the protester who also made national headlines after being abducted by unmarked federal agents in an unmarked minivan.
- **Mac Smiff**, a protester who was shot in the head with an impact munition by federal agents, knocking him to the ground and temporarily blinding him.
- And organizations **Black Millennial Movement** and **Rose City Justice**.

Lawyers on the suit include Per A. Ramfjord, Jeremy D. Sacks, Joel Mullin, Todd A. Hanchett, Amy Edwards, Geoffrey B. Tichenor, Steven J. Boender, Rachel C. Lee, Crystal S. Chase, Andrew T. Ho, and Jacob Goldberg of Stoel Rives LLP, and Kelly Simon of the ACLU of Oregon.



"Protesting is supposed to be the bedrock of democracy, but when protests are about Black lives, it is shut down. The very idea that Black people deserve humanity and decency is something that police and federal law enforcement agencies are so opposed to that they've employed nearly lethal responses. Our government should not have come here to suppress this movement."

VOLUNTEER PROTEST MEDICS TARGETED BY PORTLAND POLICE & FEDERAL AGENTS

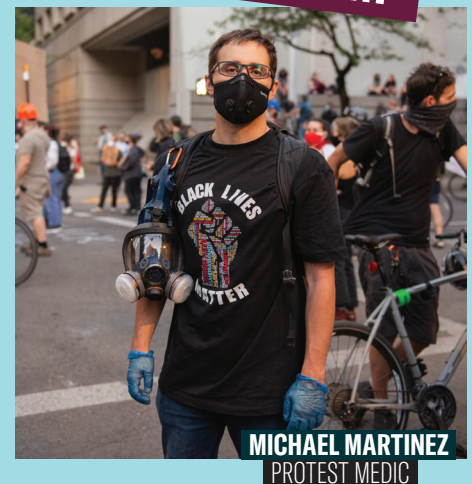
Four volunteer medics sued the U.S. Department of Homeland Security, U.S. Marshals Service, and the City of Portland for targeting and attacking them at Portland protests against police brutality. In well-documented incidents, police and federal agents brutally attacked the medics with rubber bullets, teargas, pepper spray, batons, and flash bangs.

The federal lawsuit argues that the law enforcement attacks on medics violates the First and Fourth Amendments. Clients include:

- **Christopher Wise**, a medic who, while wearing clothes prominently displaying red crosses, was targeted by police and federal agents with rubber bullets, flash bang grenades, pepper bullets, riot batons, and tear gas.
- **Christopher "Kit" Durkee & Savannah Guest**, medics who were attacked by federal agents while providing aid to an incapacitated bystander.
- **Michael Martinez**, a medic and OHSU graduate student who was arrested one night while packing up the OHSU medic tent after protesters were gassed and beaten.

Attorneys on the case are Rian Peck, Thomas Johnson, Misha Isaak, Nathan Morales, Shane Grannum, Sarah Mahmood, and Zachary Watterson of Perkins Coie LLP, and Kelly Simon of the ACLU Foundation of Oregon.

WISE V. TRUMP



"I filed this lawsuit because many people in this country, such as George Floyd and Breonna Taylor, will never have their day in court. I feel it's all the more important to use whatever resources and power I have to confront this abhorrent system, which allows people in America, primarily Black people, to be beaten and killed by police without consequence."



JOURNALISTS & LEGAL OBSERVERS ATTACKED BY POLICE & FEDERAL AGENTS

INDEX NEWSPAPERS V. CITY OF PORTLAND



"These protesters are there to say Black lives matter, and to end police brutality targeting people based on the color of their skin. It is ridiculous that protesters of police brutality are then subjected to police brutality. The public needs to know about the abuses of power and dangerous behaviors of police in Portland."

Law enforcement should not be shutting down the public's access to the messages and realities of protest, but journalists and legal observers covering protests in Portland have been repeatedly attacked by local and federal police while documenting what's happening on Portland's streets. The Portland Mercury, several journalists, and two ACLU of Oregon legal observers filed a federal class-action lawsuit to protect the First Amendment.

Reporters and legal observers, despite being clearly marked "PRESS" or "ACLU of Oregon Legal Observer", have been repeatedly attacked by police with rubber bullets, tear gas, pepper spray, beatings, flash-bang grenades, detentions, and arrests.

A federal judge ordered local and federal police to stop attacks on journalists and legal observers, and the City of Portland agreed to a preliminary injunction while the case proceeds. The Trump administration, however, appealed the court-issued preliminary injunction against it. The Ninth Circuit Court of Appeals temporarily blocked the injunction until the court decides the merits of the federal government's request to have the injunction paused while their appeal is under consideration.

Clients include:

- **The Portland Mercury** (Index Newspapers LLC).
- **Sergio Olmos**, a freelance journalist now with Oregon Public Broadcasting.
- **Tuck Woodstock**, a freelance journalist.
- **Mathieu Lewis-Rolland**, a freelance photojournalist.
- **John Rudoff**, a freelance photojournalist.
- **Sam Gehrke**, a freelance photojournalist.
- **Justin Yau**, a freelance journalist.
- **Brian Conley**, a freelance journalist.
- **Alex Milan Tracy**, a freelance photojournalist.
- **Doug Brown**, ACLU of Oregon legal observer.
- **Kat Mahoney**, ACLU of Oregon legal observer.

Attorneys on the case include Matt Borden, Athul Acharya, and Gunnar Martz of BraunHagey & Borden LLP, and Kelly Simon of the ACLU Foundation of Oregon.

ILLEGAL POLICE SURVEILLANCE OF PROTESTERS IN PORTLAND

The Portland Police Bureau's practice of filming and broadcasting protesters violates an Oregon State law (ORS 181A.250) that prohibits police from collecting or maintaining information about the political, religious or social views, associations or activities of people who are not suspected of criminal activity. We sued in Multnomah County Court on behalf our members and "Protester #1" to stop the livestreams.

The state law that prohibits law enforcement from spying on Oregonians is an important safeguard against police abuses. The Portland Police Bureau's (PPB's) practice of livestreaming leaves Oregonians engaging in protected First Amendment activities subject to surveillance by federal law enforcement. The police livestream often zooms in on individual's faces which makes protesters vulnerable to face surveillance technology.

Attorneys on the suit include Edward Piper, Ursula Lalović, and Joanna Perini-Abbott of Angeli Law Group LLC, Alan Lloyd Kessler, and Kelly Simon of the ACLU Foundation of Oregon.

A TROUBLING HISTORY OF SURVEILLANCE OF PROTESTERS IN OREGON

The Oregon law that prohibits police spying was passed in 1981 after it was revealed that the Portland Police Bureau engaged in widespread surveillance of individuals and groups. In 1988, the ACLU of Oregon and the Portland Police Bureau entered into a civil agreement to limit PPB's collection of information of protesters, and to enshrine the state law into PPB policy.

In 2002, the Portland Tribune uncovered records revealing that the PPB engaged in widespread surveillance of over 3,000 individuals and groups between 1965-1985, including the ACLU of Oregon, American Indian Movement, Black United Front, Ecumenical Ministries of Oregon, Gray Panthers, McKenzie River Gathering, NAACP, Oregon Coalition for Immigrant & Refugee Rights, Planned Parenthood, Rape Relief Hotline, Sisters of the Road Cafe, United Farm Workers, and more.

Following 9/11, the City of Portland and other jurisdictions relied upon ORS 181A.250 in refusing to participate in the federal government's round up

of thousands of men because of their age and country of origin. Because the men targeted for questioning were not suspected of any criminal activity themselves, and the questions probed their political, religious, and associational beliefs and activities, Oregon law restricted local law enforcement from participating.

Oregon law enforcement continues to monitor Black and Indigenous movements throughout the state. For example, in 2015 it was revealed that an analyst within the Oregon Department of Justice was monitoring social media posts with the hashtag BlackLivesMatter and BLM. And recent reporting by The Guardian and The Intercept uncovered the Coos County Sheriff's Office, in conjunction with the Oregon Titan Fusion Center, was engaged in disturbing, corporate-funded surveillance of activists speaking out against construction of the Jordan Cove Pipeline.

ACLU OF OREGON V. CITY OF PORTLAND

Protest medic Chris Wise helps keep people safe in the face of police violence

The nightly protests against police brutality and systemic racism in Portland are in many ways a community event. There's food, music, conversation and laughter. There's help for the houseless community. There's a sense of common purpose and concern for one another. That's until law enforcement officers show up.

"A remark that I often hear among the protesters is that until the police show up, they all feel really safe," protest medic Chris Wise said.

Every night, Chris, who was previously trained as an EMT, gathers with other protest medics to understand each other's training and establish a hierarchy according to scope of care. Then as the evening intensifies and police begin escalating their crowd control tactics, the medics get to work. But on some nights, police appear to be targeting medics with violence.

"As a medic, some nights you feel like Switzerland and some nights it feels like they really don't like me," Chris said. "Last night, they shot three medics in the leg and tackled two."

In a recent, widely shared video, a police officer appears to tackle a medic to the ground from behind and repeatedly punch them in the face. Chris is still recovering from a concussion caused by federal officers who shot him in the head with a tear gas canister. He said attacking medics can have a silencing effect, because seeing medics unspared from brutal police tactics may scare protesters into staying home.

Chris is a plaintiff in a civil rights lawsuit against the City of Portland and the Trump administration. The lawsuit argues that the violent and targeted attacks against protest medics violate their First and Fourth Amendment rights. As a biracial African-American man who has been subjected to racist treatment by police, Chris started attending the protests in solidarity with the Black Lives Matter movement.

Starting in early June, Chris saw the police assaulting protesters unprovoked. The police used crowd control munitions that are designed to be used from a distance at point-blank range, hitting protesters' heads and shins with rubber bullets and spraying protesters directly in their faces with chemical irritants.

"I figured it would be much more useful for me to help keep people safe than to just wander around," Chris said. "I'm fully capable of doing something about it."

Chris and other medics are tending to broken bones and treating face wounds — most often caused by law enforcement — but they're also concerned about the ongoing health impacts of tear gas, which is known to affect reproductive health and lung health. They also worry about tear gas exacerbating the threat of the coronavirus pandemic. He said protesters are largely non-violent and peaceful.

"We show up with body armor, not weapons," Chris said. "We show up with protection and defense, not offense. It's been months of hitting me, shooting me, and running me over. I still don't have any weapons. It's been months of people being scared for their safety."

Chris said in addition to policy changes by elected officials, individual supporters of the Black Lives Matter movement can make a difference by educating their loved ones.

"It's a labor of love," Chris said. "Racists are made. You can't get rid of them, you have to unmake them. You can't just send them to a racist island. You have to stop that cycle in individual people's lives."



ILLUSTRATION BY DOUG BROWN

AN OPEN LETTER TO GOV. KATE BROWN

Dear Governor Brown,

Since growing up together in Beaverton, my brother Danny Alcazar has been my best friend and confidant. He and I supported each other through our difficult childhoods. I've watched him work two jobs as a FedEx delivery employee by night and an office worker by day, all to support our family. Despite all of his life challenges, Danny never became bitter. He never lost his optimism and determination to bring people together to connect and build community. I hope one day that my children will mirror his spirit of generosity, patience, forgiveness and unending motivation.

Unfortunately, our family cannot be together right now because he is currently incarcerated due to one parole violation. Danny has struggled with substance use disorder and he was in recovery while on parole. But after two of our family members passed away, Danny relapsed last year. My mother and I reached out to his parole officer to ask for support connecting Danny to drug treatment. Instead, the system threw him in prison, where he is not getting the care and support he needs.

Danny has an underlying medical condition that makes him extremely vulnerable to complications of COVID-19. Every day, Danny and I talk on the phone and I hear the fear in his voice as the COVID death toll rises within prison walls. He was recently moved out of his personal cell and into a space that he shares with more than 100 other inmates and social distancing is impossible. Every day, I worry my call with him will be our last.

Bottom line: My brother does not deserve to die because of a parole violation. What he really needs is compassion, treatment and counseling. At the very least, Danny's sentencing was botched by the courts, and he deserves to come home while the appeal is under deliberation.

Beyond the lack of social distancing and PPE in prisons, Danny's medical needs for his chronic condition have been neglected multiple times during his imprisonment — leading to urgent hospital visits. It is clear that the prison medical system is not fit to fight a highly contagious and dangerous disease like COVID-19.

Let's also not forget that prisons are not made of impenetrable walls. It is undeniable that outbreaks within prisons also threaten the greater community's health. This is not what public safety looks like.

Governor Brown, I know that you have provided thoughtful leadership on fighting the COVID-19 pandemic, preventing the disastrous impacts that we have seen in other states across our country. And right now, we are seeing a historic uprising on our streets, demanding a different way of investing in public safety, because the current system disproportionately and irreparably harms BIPOC communities. My brother's story is at the intersection of these two issues.

There are thousands like Danny in prison today. Many do not pose a threat to public safety yet are facing undue risks to their health because of the unsafe conditions of prison facilities. You have the power to release them early and back to their families and communities where they belong.

Individuals like my brother who experience incarceration deserve just as much of your consideration in Oregon's fight against the coronavirus. His life is just as valuable. I ask that you see the humanity and value in my brother and many others like him that my family and I do.

Please allow him to come home so we can get him the care and support he needs.

Signed,

Mereida Nunely

Danny's Sister

TAKE TELL GOV. BROWN TO SAVE LIVES BY REDUCING THE PRISON POPULATION
ACTION: visit action.aclu.org/send-message/governor-brown

Danny Alcazar, 28, is currently being held on a parole violation in Oregon State Correctional Institution in Salem. The Criminal Justice Reform Clinic at Lewis & Clark Law School and the ACLU of Oregon filed an amicus brief in Curry County Circuit Court in support of his release. We argued that it is cruel and inhumane to force people to live in close proximity while public health experts, human rights experts, and government leaders worldwide call for physical distancing to prevent the life-threatening spread of COVID-19. Yet that is exactly what is happening for people living and working in prisons throughout Oregon, a disproportionate number of whom are people of color. The court denied his request.

Prison should not be a death sentence. We have urged Governor Brown to reduce the number of people in prison to stop the spread of COVID-19. We can safely do this by transitioning out medically vulnerable people and people whose sentences are nearly complete.

REIMAGINING PUBLIC SAFETY

We are ready to fight for a world where Black people do not have to live in fear of the police.

When the Constitution was written, “We the People” did not mean all of us. Slavery created a legacy of oppression for Black people that is woven into our institutions today — from education and health care to the criminal legal system. We need structural change to dismantle the deep-seated racism and inequity that permeates our institutions — including public safety institutions like the police.

Black people face significant barriers when accessing economic opportunity, health care, housing and education. On top of that, Black people are also over-policed, overrepresented in jails and prisons, and disproportionately subjected to police violence. The ACLU has worked on policing issues for decades, and with some important successes. Sadly, those reforms are not enough.

In the wake of the countless Black lives lost at the hands of police, there is an uprising demanding justice and fighting for a reimagined vision of public safety in America — one that significantly limits the size, power, and responsibilities of police departments. Valuing Black life doesn’t just mean spending less on police, it means investing a lot more in Black communities. To create a world where “we the people” truly means all of us, we must dismantle systemic racism and work to repair centuries of harm inflicted on communities of color.

These deeply-ingrained systemic issues require immediate and transformative solutions. That requires a bold reimagining of what public safety means and how it is supported by public institutions. It is time to divest from police and reinvest in the Black, Brown, Indigenous, and other communities they unjustly target. We intentionally use the terms “divest” and “reinvest” (rather than “defund”) because, as an organization, we have not decided on a policy of abolishing police and do not want to co-opt the language of the abolition movement.

The ACLU is committed to this broader, more profound fight — which so many individuals and groups, like The Movement for Black Lives, have been leading. Our plan for a new vision of 21st century public safety will work to support Black-, Brown-, and Indigenous-led community organizations to implement a sweeping three-part formula:

- Prohibiting police from making arrests for non-dangerous behaviors, enforcing non-serious offenses, and issuing burdensome fines, which would eliminate many of the unnecessary interactions between the police and community members that have led to so much violence and so many deaths.

- Reinvesting savings from policing budget cuts into alternatives that will keep local communities safe and help them thrive.

- Implementing common-sense, iron-clad legal constraints, and other protections for the rare instances in which police officers do interact with community members.

These are areas where the ACLU of Oregon can make immediate, impactful changes to protect people from police harm — significantly reducing the excessive budgets of the police and redistributing them to programs that have been underfunded in Black, Brown and Indigenous communities for decades, including schools, affordable housing, and healthcare options.

We are ready to fight for a world where Black people do not have to live in fear of the police.

DEFENDING

The Constitution protects all people in the United States from government discrimination based on race and national origin, regardless of immigration status. The ACLU of Oregon is dedicated to expanding and enforcing the civil liberties and civil rights of immigrants and to combating discrimination against them.

MARIA SOTO

V. US DEPARTMENT OF STATE



MARIA SOTO

In 2018, Maria Soto and her husband hoped to travel to Peru for vacation, so she applied for her passport. In response, the government denied her application, telling her that she had submitted insufficient evidence to prove her U.S. citizenship.

Maria was born in 1971 in the Los Angeles County Hospital in California to migrant parents. Even though she sent the government her original birth certificate, a state-issued certified copy of her birth certificate, her social security card, her driver’s license, and other documentation, the government told her the documents she had provided were “not sufficient to establish your identity.”

The Trump administration’s “Denaturalization Task Force” and racist rhetoric push an insidious message that people like Maria—people of color, people who speak a second language, people who come from immigrant families or communities—are not equals in our country or are somehow less American.

We fought back through a lawsuit against the U.S. Department of State on Maria Soto’s behalf, and nearly a year later, she finally received the document in the mail.

Attorneys on the case include Kathryn Mantoan, Avalon Johnson, and Daniel Guerra of Orrick and Leland Baxter-Neal of the ACLU Foundation of Oregon.

VICTORY!

IMMIGRANTS' RIGHTS

ANDRADE-TAFOLLA

V. UNITED STATES

On September 17, 2017, Isidro Andrade-Tafolla was illegally detained by a group of plainclothes Immigration and Customs Enforcement (ICE) agents in unmarked vehicles outside the Washington County Courthouse. The agents intimidated Isidro and his wife, and they refused to identify themselves when asked who they were. Isidro is a U.S. citizen, but based only on the color of his skin, the ICE agents violated his rights and demanded that he show his papers. The horrific incident was caught on video by an ACLU of Oregon legal observer.

Andrade-Tafolla's federal lawsuit seeks to hold those agents accountable for their discriminatory and unlawful behavior. No member of our community should have to worry about unidentified agents attempting to kidnap them off the streets, or fear that the same could happen to their children, as Isidro has feared in the years since.

What happened to Isidro and his wife is part of a pattern of abusive and secretive tactics that the U.S. Department of Homeland Security and ICE have employed for far too long against communities of color, particularly Black and Latinx communities. The Trump administration has only emboldened their behavior.

Attorneys on the case include Caitlin Mitchell and Jennifer Middleton of Johnson Johnson Lucas & Middleton and Leland Baxter-Neal of the ACLU Foundation of Oregon.



ISIDRO ANDRADE-TAFOLLA

"I will never forget that day. I feel like I am living it every day and can't get away from it. It hit me really hard and it was obviously wrong. No one should have to go through this." (2019 photo)



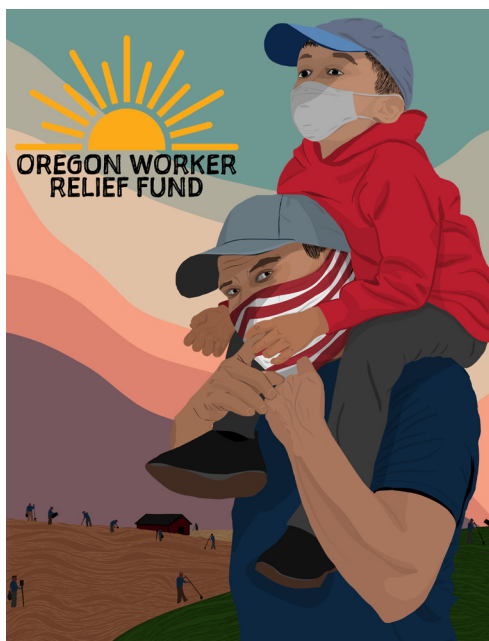
CHIEF JUSTICE WALTERS BANNED ICE ARRESTS AT OREGON COURTS

Chief Justice of the Oregon Supreme Court Martha Walters announced a new rule last November to stop warrantless, civil arrests in Oregon's courts. Oregon was the third state in the country to adopt such a rule.

The ACLU of Oregon's volunteer corps of ICE legal observers documented many arrests and detentions by ICE, including the unlawful detention of Isidro Andrade-Tafolla (see left). We joined community groups and immigration advocates to ask the Chief Justice to adopt the rule in response to rising concern over increased immigration arrests at Oregon's courthouses.

The rise in ICE arrests at Oregon courthouses was a direct byproduct of two executive orders issued by President Trump, early in his presidency, which made anyone subject to removal a priority for immigration enforcement. The ICE detentions often involved racial profiling and the use of physical force against individuals, their families, and bystanders.

OREGON WORKER RELIEF FUND



We joined Causa, PCUN, Latino Network, APANO, Innovation Law Lab, MRG Foundation and over 100 community partners to create the Oregon Worker Relief Fund to provide rapid, community-based financial relief to immigrant Oregonians who were excluded from federal COVID relief. The Emergency Board of the Oregon Legislature approved funding for the Oregon Worker Relief Fund with bipartisan support.

The fund has provided over \$23 million dollars in emergency cash assistance to immigrant Oregonians who lost their jobs, yet were ineligible for Unemployment Insurance and federal stimulus relief due to their immigration status, and despite contributing to federal, state, and local taxes.

The Oregon Center for Public Policy estimates there are 74,000 workers without legal status in Oregon, many of whom have jobs key to the state's prosperity including farmworkers, food-processing workers, housekeepers, construction workers, landscapers, care-givers, and day laborers. One in every 10 Oregon children live with a family member who is undocumented. Job losses can quickly lead to housing and food instability for Oregon families. Also, state reports show that Latinx people in Oregon have been hit hard by the pandemic, disproportionately testing positive for COVID-19.

ACLU OF OREGON VOTING GUIDE

NO ON 107
YES ON 109
YES ON 110
YES ON 26-214
YES ON 26-217

DROP OFF YOUR BALLOT BY NOV. 3

ILLUSTRATION BY DOUG BROWN

VOTE!

At the ACLU of Oregon, we believe every election is important and voting is a cherished responsibility. The upcoming 2020 elections are critical, and we encourage everyone to vote. If you, or someone you know, needs assistance obtaining a ballot, particularly anyone displaced by wildfires, experiencing homelessness, or in jail but not yet convicted, please contact the appropriate county elections office to ensure a ballot is received.

The ACLU of Oregon does not endorse candidates, however we do take positions on ballot measures that impact civil liberties and civil rights. This year, we have taken the positions on the following local and statewide ballot measures:

YES on Measure 110

More Treatment

The War on Drugs destroys lives and disproportionately destroys the lives of Black people, Indigenous people, and other people of color. Measure 110 will shift Oregon from punishing drug addiction to using a health-based, treatment-first approach.

Oregon continues to arrest people for possession of controlled substances for personal use (PCS). The Oregon Criminal Justice Commission research shows Measure 110 would reduce the racial disparities in drug arrests by 95 percent. Measure 110 will achieve this by decriminalizing PCS.

Oregon ranks nearly last in access to drug addiction treatment for those who need it, and according to government sources, nearly two people die every day from drug overdoses. Measure 110 will direct millions of marijuana tax dollars into expanded access to low-barrier, culturally-responsive treatment and recovery services across Oregon.

YES on Measure 109

Psilocybin Therapy

One of the many detrimental consequences of the War on Drugs has been government interference with the exploration of alternative drug therapies that could help people with many debilitating conditions like depression, anxiety, and addiction. If approved, Measure 109 will create safety standards for trained facilitators to oversee psilocybin therapy in licensed facilities and approve licenses for facilitators, service center operators, and producers of psilocybin mushrooms and products. The measure does not allow retail sales, does not allow home use of psilocybin, and does not allow marketing of any psilocybin products.

NO on Measure 107

Campaign Finance

Oregon is one of the few states with no limits on campaign contributions. This is because our state courts consistently interpreted the Oregon Constitution's free speech clause (Article I, section 8) to prohibit limits on contributions.

In 2019, the ACLU of Oregon changed our long-standing policy of opposing limits on campaign contributions. We changed our policy, in part, to acknowledge the undue influence, and access to political power that financial wealth gives some people and disproportionately excludes people of color and people living in poverty. Based on our changed policy, we filed an amicus brief with the Oregon Supreme Court in *Mehrwein v Multnomah County*, a challenge to the Multnomah County's Honest Elections law, in which we urged the Court to interpret existing constitutional language to allow for campaign contribution limits. In April of this year, the Court overturned its long-standing precedent and made limits on campaign contributions legal in Oregon. The Oregon Legislature referred Measure 107 to the ballot prior to the Oregon Supreme Court's ruling.

The ACLU of Oregon believes we should not amend our state constitution without a significant need to do so. As a result of the Court's recent decision, campaign contribution limits can be implemented at the local and state level. Therefore, Measure 107 is not needed and we oppose the measure.

YES on Measure 26-214

Preschool for All

MULTNOMAH COUNTY

The ACLU of Oregon believes every child has the right to a free public education. This right is inextricably linked to participation in our democracy. No child should be denied access to education for any reason, including financial means.

Studies show a major, positive impact on educational and life outcomes for the students who were exposed to quality preschool. The goal of Preschool for All is to make tuition-free preschool available for all three- and four-year-olds in Multnomah County by expanding programs at schools, homes, and through other avenues like Head Start. By 2026, county leaders estimate the program will add 7,000 new preschool slots, starting with children in "priority populations." That includes children of color, children with developmental delays or disabilities, and children living in foster care.

PORTLAND

YES on Measure 26-217

Policing Reform

Portland's current police oversight system fails to deliver accountability in many ways, chiefly because the current Independent Police Review authority to fully and independently investigate and enforce officer accountability is severely limited. Measure 26-217 aligns with longstanding ACLU policy that calls for effective oversight of police to be carried out by independent civilian review boards that are representative of the communities being policed and that are empowered to investigate, subpoena testimony, conduct hearings, and report findings, as well as recommend policy changes. Measure 26-217 amends the City Charter to establish the framework for a truly independent police oversight board with authority and dedicated funding.

We acknowledge that the framework created by the measure leaves many open questions, among them how to balance police accountability with officers' due process rights. Building a new system of police oversight will benefit from transparency and ample public scrutiny. Overall, the passage of this measure is an opportunity to create a more equitable, just, and effective police oversight process.

MAKE YOUR VOTE COUNT • [ACLU.ORG/VOTER/OR](https://aclu.org/voter/or)

For the 2020 general election, the state starts mailing ballots to registered voters on October 14, the day after the last day to register. The county must possess your ballot by 8 p.m. on Election Day, November 3, for your vote to count. To avoid any issues with potential USPS delays, we recommend dropping off your ballot— the earlier the better. Find an official drop site near you at oregonvotes.gov/dropbox. If you must vote by mail, please do so as soon as possible (the deadline to safely mail your ballot is October 27).

RUTH BADER GINSBURG'S FIGHT FOR GENDER EQUITY WAS FOR ALL OF US

Ria Tabacco Mar
ACLU Women's Rights Project Director



Ruth Bader Ginsburg recognized that dismantling patriarchy was necessary not only for women's liberation, but for all of us to have the freedom to thrive regardless of gender. That certainty drove her strategy during the eight years she spent as director of the ACLU Women's Rights Project, which she co-founded with Brenda Feigen in 1972.

No case better encapsulated Ginsburg's strategy in the 1970s than that of Charles Moritz. Moritz was solely responsible for the care of his elderly mother, but he had been denied a caregiving tax deduction because he was an unmarried man. By representing him, Ginsburg was able to show male judges that sex discrimination hurt men as well as women. And, because the case originated in tax court, it allowed Ginsburg and her beloved husband Marty, a tax specialist, to collaborate on work as well as life.

The government's defense in the case backfired spectacularly. It pointed to a hefty list of federal statutes that, like the one that disadvantaged Moritz, expressly distinguished between women and men. Ginsburg couldn't possibly be right about the tax law, argued the government, because if she was, then hundreds if not thousands of other laws would be unconstitutional, too. Ginsburg prevailed, and the list – known as “Appendix E” – became WRP's playbook as Ginsburg and her colleagues systematically took aim at laws that discriminated on the basis of sex.

While Ginsburg succeeded in establishing that the government could not condition benefits on sex, the private sector has been slow to catch up. In recent years, WRP has challenged employer policies premised on the generalization that women are the primary caregivers at home and has fought for men and women

to be entitled equally to benefits like parental leave to care for newborn children. Men's full participation in early days of parenting can lead to more equitable family roles over the long haul.

Ginsburg knew that, in order for women to step out of caregiving roles, men would have to step into them. That's not to say that Ginsburg prioritized work outside the home over work within it. To the contrary, it was her fervent hope that everyone could share equally in the joys and labor of family life.

I had the opportunity to interview Justice Ginsburg in what turned out to be one of her final public appearances. Knowing that she had often been asked how she balanced her own career with parenting, I wondered whether anyone had ever asked her husband about how he achieved work-life balance. Unfortunately, Marty wasn't there to speak for himself, having died a decade earlier. Instead, I asked Ginsburg what advice she would give to men who are working and parenting. “One of the saddest things about men's lives is that they're out there working,” she answered, “and one day their children are grown and they didn't have any real part in raising them.”

I remembered Ginsburg's remarks in that moment on Friday evening when we learned, as the sky went dark and a new year began according to the Jewish calendar, that she had died. Just as childhood is fleeting, so too she had left us too soon. We at the ACLU will use each day to carry forward her legacy.

Note: This piece was originally published in SCOTUSblog on Sept. 21, 2020

We are grateful to people who helped defend constitutional rights in Oregon by making a gift in celebration of a friend or loved one.

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We're gathering together virtually to continue the fight for equality, liberty and justice for all. Join us for a powerful evening online to celebrate our impact and hear from leaders in this movement—including Pulitzer Prize-winning journalist Nikole Hannah-Jones, creator of *The New York Times*' 1619 Project.

LEARN MORE AND RSVP: [AVSTREAM.ME/ACLU](https://avstream.me/aclu)

FOR QUESTIONS, CONTACT **YVONNE GARCIA** AT DEVELOPMENT@ACLU-OR.ORG