

ANNUAL REPORT

2008-2009





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FROM THE EXECUTIVE DIRECTOR

Creating Lasting Change Requires Organizing, Perseverance & Dollars

It would be nice if all it took to get this state and the nation back on the right track was to elect the right people to public office. As difficult as elections can be, and as satisfying as winning them can be, we know it takes a lot more than that to accomplish real change.

That has been especially true this year because there has been so much lost ground to make up thanks to the terrible damage done by the Bush/Cheney Administration. Things are finally moving in the right direction, but there is a lot more work to do at the federal level and here in Oregon.

Thanks in large part to your support, the ACLU of Oregon has had some great victories over the past year. This Annual Report covers the past fiscal year, which ended March 31, and we have had even more victories in the three months since then. Most notable is that all five of our affirmative priorities in the Oregon Legislature have been approved by wide margins.

As I write this, our bill to prohibit the



DAVID FIDANQUE
EXECUTIVE DIRECTOR

further implementation of Real ID in Oregon is headed for the Governor's desk. So is a bill to restrict the harvesting of data from the bar codes on the back of driver licenses and another that will impose a two-year moratorium on the destruction of biological evidence in criminal cases so that it can remain available for convicted defendants to attempt to prove their innocence through

DNA testing.

Victories like these don't happen in a vacuum. We've been opposed to Real ID since it was first passed by Congress in 2005. We thought we had a good chance of passing a bill to stop it in Oregon two years ago, but it got sidetracked by political maneuvering related to anti-immigrant issues. We were also opposed to requiring everyone who applies for a driver license or ID card to prove they are "lawfully present" in the U.S., but after Governor Kulongoski issued his executive order to implement that requirement, we lost that battle in early 2008.

This year, when Sen. Rick Metsger and other prominent Democrats and



CLAIRE SYRETT

Candace Morgan, ACLU Board Member (not shown), moderates a discussion on privacy and technology between Andrea Meyer, ACLU of Oregon Legislative Director; Lee Tien, Electronic Frontier Foundation Senior Staff Attorney; Christina Drummond, ACLU of Washington Technology and Liberty Project Director; and Kyle Miller, President of the Portland Chapter of the Information Systems Security Association.

Republicans in the Legislature joined forces to sponsor our bill to stop Real ID, SB 536 was able to move out of both the Senate and the House with broad bipartisan support. Assuming that Governor Kulongoski signs the bill, Oregon will become the thirteenth state to prohibit implementation of Real ID.

It wasn't just the passage of time that made the difference. You'll read elsewhere that we had our first-ever Lobby Day in Salem this year. Just as important, we combined efforts with National ACLU this year so that we now have access to a much larger and more sophisticated e-mail action alert list to help mobilize our members and supporters to take action in Salem when it's needed the most. This ACLU Community Action Network has given Legislative Director Andrea Meyer the assistance of a grassroots network of more than 8,000 volunteers who can be mobilized district-by-district to come to her assistance by contacting their legislators, and when appropriate, legislative leaders. If you haven't yet signed up to get these alerts, please go to our web site, www.aclu-or.org, and click on the "Take Action" logo on the home page.

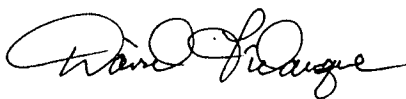
On the legal front, we have also been making great progress. As you probably know, we hired Chin See Ming as Legal Director just about a year ago to be the first attorney to manage our litigation program. Thanks to efforts by Ming and dozens of volunteer cooperating attorneys, we now have the capacity to handle more direct representation cases in the courts.

Much of the legal work from the past year is included in these pages, but I am especially proud of the work we did with a broad coalition to successfully challenge the anti-immigrant ballot measure that would have increased discrimination against lawful immigrants in Columbia County.

Of course, the current economic climate has hurt the ACLU and other non-profits just as it has most sectors of the economy. Our affiliate's 2009-10 budget has been cut by 10% compared to last year, much of that in personnel costs. Our strategy is designed to be able to quickly reverse the cutbacks if revenue is better than expected, while still preserving our ability to make progress on our major program priorities.

Needless to say, your financial support is critical to making sure that ACLU can continue to push for the critical changes still needed at the federal level and here in Oregon to protect civil liberties and civil rights. We have to keep the pressure on to restore the freedoms that have been so badly eroded over the past eight years. If we can't get the Obama Administration to reverse the Bush Administration's dangerous policies, those policies will become a permanent fixture of the American political landscape. We cannot allow that to happen.

Thanks again for all of your support.



Hello, Good-Bye to Staff Members

The past year has seen several staffing changes for the ACLU of Oregon.

During the past year, we enjoyed getting to know Legal Director Chin See Ming, who started work on June 30, 2008, and has become deeply involved in several important cases since then. Ming is our first legal director who is an attorney. He's a former ACLU of Oregon Board member and chair of the ACLU Foundation of Oregon's Lawyers Committee.

We also hired a second development associate. Eryn Mitchell handles event management and donor stewardship, along with doing other work with Development Director James K. Phelps and Development Associate Teresa Domka.

Two staff members left for different jobs. We will miss Communications Director Brian Willoughby (now working in Vancouver, Wash.) and Volunteer Coordinator Pooja Bhatt (now working in Delhi, India).

2008-2009 FINANCIAL INFORMATION

Unaudited, April 1, 2008 - March 31, 2009

ACLU FOUNDATION of OREGON

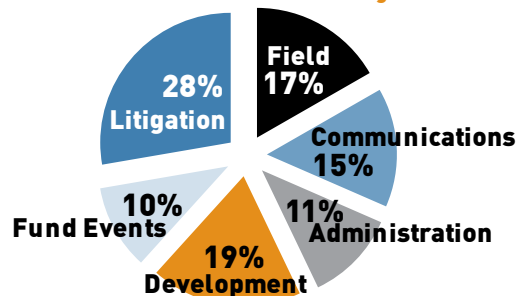
REVENUE

Contributions	\$ 283,898
Fundraising Events	\$ 88,475
Misc. Program Events	\$ 6,808
Attorney Fees	\$ 111,743
Endowment	\$ 0
Interest, Dividends & Investments	\$ (18,834)
National Sharing/Other	\$ 43,208
TOTAL	\$ 515,298

EXPENSES

Litigation	\$ 198,823
Field	\$ 119,773
Communications	\$ 106,561
Fund Events	\$ 75,933
Development	\$ 134,932
Administration	\$ 81,409
TOTAL	\$ 717,431

FY 2008-2009 Expenses
ACLU Foundation of Oregon



ACLU of OREGON

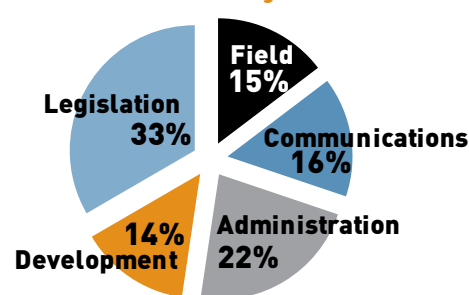
REVENUE

Membership	\$ 348,159
Grants (from National ACLU)	\$ 39,350
Interest, Dividend & Investments	\$ (103,367)
National Sharing/Other	\$ 26,608
TOTAL	\$ 310,750

EXPENSES

Legislation	\$ 116,534
Field	\$ 51,186
Communications	\$ 54,183
Development	\$ 49,789
Administration	\$ 77,435
TOTAL	\$ 349,127

FY 2008-2009 Expenses
ACLU of Oregon



APRIL 1
MARCH 31
2008
2009
year in review

For the ACLU of Oregon, the past year was driven by participation at every level. We voted, we lobbied legislators, we marched in parades, we represented people whose rights were at risk — and we made a difference.

We celebrated and protected our rights to read, to vote, to speak, to worship, and to gather in public. Our work was effective. In the pages that follow, you'll see how the ACLU of Oregon and its supporters worked to protect our freedom in fiscal 2008-2009. You'll see how thousands of people contributed money, time and expertise to meet the challenges facing our communities.

You'll also see that challenges remain. As our nation works its way out of economic crisis, as it faces up to abuses that occurred in the name of security, as we respond to outbreaks of hate-fueled violence, the ACLU will be there, making a difference in the name of freedom.



Participants in ACLU of Oregon's first-ever Lobby Day gather on the steps at the capitol in Salem March 5, 2009. Fifty volunteers turned out to meet with their legislators.

TERESA DOMKA

ACLU of Oregon Celebrates its First Lobby Day

A huge highlight of the past year was the ACLU of Oregon's first-ever Lobby Day, held March 5, 2009, at the state capitol in Salem. We reached our goal of turning out 50 volunteers to meet with their legislators, and the feedback we have received from participants — both verbally and in written evaluations — is overwhelmingly positive.

Andrea Meyer, Legislative Director, provided training for Lobby Day participants in the morning. This included a primer on how a bill becomes a law, tips for talking to legislators, small-group discussions on our issues, and a briefing on three specific bills to be discussed during Lobby Day meetings.

The morning session also included remarks by state Rep. Mary Nolan, state Sen. Floyd Prozanski, as well as David Barrows and Ellen Lowe. Lobby Day participants also took a tour of the Senate gallery and had the opportunity to attend part of a Senate floor session during which the ACLU of Oregon was recognized by state Sen. Suzanne Bonamici.

In total, our Lobby Day volunteers attended 51 meetings with legislators or their aides in the afternoon — 30 with state Representatives and 21 with state Senators. The volunteers spoke to their legislators about supporting SB 536 (to stop Real ID in Oregon), opposing SB 355 (to establish a so-called pharmacy database), and supporting HB 2371 (to limit data-harvesting from Oregon driver licenses).

We were very pleased with the results of this effort and are planning to build upon

the lessons learned this year to make our 2011 Lobby Day an even bigger success.

While Lobby Day was a focused effort, ongoing lobbying by ACLU of Oregon members and supporters has been a vital help in supporting proposed legislation that would protect or enhance civil liberties and civil rights and opposing proposed legislation that would harm or eliminate these liberties and rights.

In addition to opposing the implementation of Real ID, which would turn our driver licenses into national identification cards and expose us to significant privacy risks, the ACLU of Oregon continues to oppose the establishment of the state-run pharmacy database.

Such a database has been defeated in each of the past few sessions, but it continues to be proposed. This government-operated database of controlled substances (prescriptions that fall within Schedules II, III and IV) would include most prescription pain medications, including all codeine-based products. The database also would include anxiety medications (such as Xanax), sleep medications (such as Ambien), and Ritalin, which is prescribed to children.

Proponents argue that this would be a way to reduce drug-seeking behavior. But in going after those who are abusing drugs, such a law would treat all Oregonians as potential drug-seeking abusers. ACLU opposes creating a government database that would include the private medical information of tens of thousands of law-

abiding Oregonians in order to catch those who are violating the law. Decisions made in consultation with one's doctor, including which medicines to take, should not be second-guessed and monitored by the government.

The ACLU of Oregon has also opposed HB 2497 and SB 426. Both proposals would allow employers to terminate an employee who is a medical marijuana cardholder without any evidence of actual impairment at the job. We believe that persons who show up actually impaired (from lawful or unlawful drugs, alcohol, emotional distress, fatigue or any other reasons) should be sanctioned by the employer. But selecting out only marijuana cardholders, absent any showing of impairment, does not address safety concerns but rather is an attempt to discriminate against cardholders.

In addition to these specific proposals, the ACLU of Oregon is actively involved in hundreds of legislative proposals throughout the session. Similar to every session, in 2009, we are dealing with many issues covering a wide range, including criminal justice, death penalty, due process, equal protection, free speech, lesbian gay bisexual and transgender rights, privacy and technology, religious liberty, reproductive rights and initiative reform. In addition to supporting or opposing legislation that clearly implicates civil liberties and civil rights, we also work to fix legislation that may have unintended but negative consequences. The ACLU plays a unique role, often bringing forward concerns that no one else has identified.

ACLU Protects Free Speech, Press Statewide

The ACLU of Oregon was busy this year — from the streets of Eugene to the steps of the state capitol — protecting two core issues: freedom of speech and of the press.

Philomath

In Philomath, city officials cited residents Clinton Johnson and Jenifer Runnion for separately displaying election signs more than 60 days before the presidential election. Philomath's sign ordinance is very similar to an ordinance that the city of Silverton agreed to rewrite after a homeowner sued to stop its enforcement. Like the Silverton ordinance, the Philomath ordinance violates both the Oregon and United States constitutions.

The ACLU of Oregon sent a demand letter to the city of Philomath asking for changes in the ordinance. The city then dropped the citations against Mr. Johnson and Ms. Runnion. City officials have proposed changes to the ordinance with which our clients are satisfied.

ACLU cooperating attorney Justin Thorp of Martin Bischoff handled the case.

Ashland

In Ashland, Art Bullock published a quarterly called "... Of the People." His first issue, dated Nov. 7, 2006, included endorsements of various candidates for office.

On Aug. 12, 2008, the Elections Division of the Office of the Oregon Secretary of State issued Mr. Bullock a Notice of Proposed Civil Penalty for \$250 for failing to file a statement of independent expenditures under Oregon's campaign finance laws, ORS 260.044.

On Mr. Bullock's behalf, the ACLU of Oregon challenged the penalty on statutory and constitutional free speech grounds, arguing that Bullock's publication was exempt from campaign reporting requirements because it was a news publication. An administrative hearing was held in September 2008, and on Jan. 2, 2009, the Elections Division agreed with us and dismissed the civil penalty against Mr. Bullock.

ACLU cooperating attorneys Greg Chaimov and Kevin Kono of Davis Wright Tremaine LLP handled the case.

Eugene

In Eugene, Tim Lewis is a community activist and videographer. In 2008, he videotaped portions of a demonstration during which police had arrested three people and tasered one of them. Mr. Lewis created a short documentary of the incident and posted it on his YouTube website "Picture Eugene."

The Lane County District Attorney convened a grand jury to investigate the

demonstration; as part of that investigation, the DA subpoenaed Mr. Lewis to testify and to turn over any unpublished video to the grand jury. The ACLU of Oregon filed a motion to quash the subpoena on the grounds that unpublished videotape is protected under Oregon's Media Shield Law. The DA then voluntarily withdrew the subpoena.

ACLU of Oregon Legal Director Chin See Ming worked on the case with cooperating attorney Tony Rosta of Rosta & Connelly, PC.

Salem

In Salem last fall, Michele Darr staged a 24-hour vigil on the steps of the state capitol to protest the Iraq War. She intended to remain there until spring. On Nov. 13, 2008, the Legislative Administrator delivered a letter to Ms. Darr, citing Legislative Administration Committee policy that prohibits overnight use of the building. That evening, state police cited her for criminal trespass in the second degree. (In the past, the committee has allowed overnight prayer vigils to take place on the capitol steps.)

On Nov. 15, the State Police cited her again and arrested her for the same crime. She was released on her own recognizance, and she returned to the capitol, now joined by other protesters.

On Dec. 9, the ACLU of Oregon sent a letter to the Marion County District Attorney and the Legislative Administration Committee demanding that they drop the charges against Ms. Darr and allow her to remain overnight on the steps. The next day, the DA agreed that he would not even forward the tickets to the court.

On Jan. 9, 2009, the Legislative Administration Committee adopted new "guidelines" that purport to prohibit all activities on the steps between 11 p.m. and 7 a.m., unless there are hearings or floor sessions going on.

The Legislative Administrator gave Ms. Darr and her fellow protesters written notice of the guidelines on Feb. 11, 2009. Later that evening, the State Police cited Ms. Darr and four others who were present. On April 3, we filed motions to dismiss on behalf of each of the protesters. We filed identical motions to dismiss the charges on April 6.

The Marion County Circuit Court held a hearing on June 17, 2009. No decision had been issued at press time. ACLU cooperating attorneys on the case are Tim Volpert and David Blasher of Davis Wright Tremaine LLP; Michael Swaim of Michael E. Swaim, PC and Jossi Davidson of Gracey & Davidson.

Free Expression Challenged in Medford

In April, a judge agreed with us that Medford's anti-panhandling ordinance violates the free-speech provision of the Oregon Constitution.

Jackson County Circuit Judge Lorenzo A. Mejia denied the City of Medford's motion to dismiss our lawsuit challenging the ordinance; we are waiting for the court to enter final judgment in the case.

Medford's ordinance prohibits people from soliciting money at intersections and freeway off-ramps — a government attempt to ban expression that it finds offensive. The ordinance makes it a criminal misdemeanor to solicit for "immediate

donations" in certain circumstances but allows solicitation for other purposes.

In his March 19 ruling, Judge Mejia wrote that the ordinance unconstitutionally focuses on the content of speech rather than on limiting "abusive solicitation" conduct.

In May, the Medford City Council decided to appeal Judge Mejia's ruling while also trying to address some of his concerns by rewriting the ordinance.

The ACLU represented Derek Volkart, a member who lives in Jackson County, in the lawsuit. Portland attorney Justin M. Thorp of Martin Bischoff is the ACLU cooperating attorney on the case.

Why do
YOU support the
ACLU?

"Some group must be willing to challenge the government and general population on constitutional issues. The majority is not always right."



Nancy Rose
Eugene

ACLU Challenges Secret Police List

In *State v. Strachan* and several associated cases, the ACLU of Oregon fell short of a full victory but did succeed in shedding light on a dubious Portland police practice.

At issue was what we believe is the potentially unconstitutional practice of keeping a secret police list of some people in some neighborhoods who are arrested more often than others for so-called quality of life offenses — including drug possession, breaking into cars, shoplifting and identity theft.

This Portland Police Bureau list, which started five years ago, is secret. People are not told they are on the list, and they have no way to challenge their presence on the list once they learn they are on it.

The Multnomah District Attorney's policy is to charge persons on this list, if caught with a residual amount of drugs, with felony possession; persons not on the list are charged with misdemeanor possession. A key issue is that the list is compiled based on arrests, not convictions. The list also contains a disproportionate number of African-Americans.

The ACLU co-counseled with the court appointed lawyers for Janet Strachan, Ronald Washington and Sylvester Brown — all of whom the DA charged with felony possession because they are on the list — to represent them on a limited basis to challenge the policy and the list.

The case was argued this past winter in Multnomah County Circuit Court, and Judge Dale Koch rendered a decision this spring. His decision represented a partial victory for the ACLU.

Judge Koch declined to declare the list unconstitutional, but he did say the list is troubling enough that it should not be used to automatically prosecute people more harshly than those not on the list. He left the decision of whether to stop using the list to the Portland City Council, which has not made a determination.

When the list was formed, it had about 35 names. It now has nearly 400. And it is not used citywide, only in specific neighborhoods: greater downtown, inner Northeast and inner Southeast. Judge Koch called that a “floating standard” and said it caused him concern.

Cooperating attorney Elden Rosenthal of Rosenthal & Greene PC and ACLU of Oregon Legal Director Chin See Ming handled the case.



CLAIRE SYRETT

ACLU of Oregon Southern Oregon Chapter marched in the Ashland 4th of July parade with a Guantanamo-themed entry.

Marching Forward for Freedom of Expression

When the Southern Oregon Jobs with Justice Coalition submitted its application as a non-profit participant in the Ashland 4th of July parade last summer, the parade's sponsors said the coalition would be considered a political entrant.

The difference? A non-political group pays \$30 to join the parade; a political entrant pays \$100.

The parade, sponsored by the Ashland Chamber of Commerce, charged the higher rate for commercial entries and political candidates and organizations.

Among the members of the Jobs with Justice Coalition is the Pacific Green Party, which brings a political banner to the parade. The banner was the factor, according to the Chamber of Commerce, that made the Jobs with Justice Coalition a \$100 entry instead of a \$30 entry.

Cooperating attorneys Michael Simon and Julia Markley of Perkins Coie sent the Chamber of Commerce a letter that resulted in Jobs with Justice receiving the lower fee for the 2008 parade — and receiving a refund of the excess fee charged for the 2007 parade.

Also in the realm of free expression, we supported two groups that were required to take out a \$1 million insurance policy in addition to paying a \$104 fee to host a two-hour event in a Medford city park.

We authorized the filing of a complaint on behalf of Peace House and Citizens for Peace & Justice on grounds that Medford's requirements were impermissible prior restraints on speech. Since then, the city has waived its insurance requirements for the event.

With Our Help, Gay-Straight Alliance Can Meet at Job Corps Center

With help from the ACLU of Oregon, a gay-straight alliance has formed at Timber Lake Job Corps Civilian Conservation Center, which also houses Estacada Alternative High School.

We received a complaint that the director of the Job Corps Center had not allowed students to create a gay-straight alliance and had made a number of homophobic statements. The center is a no-cost technical training program for 16- to 24-year-olds.

On behalf of the ACLU of Oregon, cooperating attorney Emily Courtneage of Stoll Berne LLP wrote letters of complaint to the federal Department of Labor, which administers the Job Corps; the federal Department of Forestry, which operates the

Job Corps Center; and the Estacada School District.

The letters were sent in January. The response was received several weeks later stating that the gay-straight alliance began to meet at the Job Corps Center in February.

In another case involving equality issues and the rights of lesbian, gay, bisexual and transgender people, we are offering behind-the-scenes help to prepare for trial in *Brewis v. Mills*, a habeas corpus petition. Rebekah Katherine Brewis, formerly Jorey Brewis, is an inmate at Two Rivers Correctional Institute. Her petition seeks appropriate treatment for herself and other transgender inmates.



ANDIE PETKUS

THANK YOU TO OUR SPONSORS 2009 ACLU FOUNDATION OF OREGON DINNER

Attendees at the 2009 ACLU Foundation of Oregon Dinner give a standing ovation (left) while Oregonians working in defense of Guantanamo detainees are presented Civil Liberties Awards (right).

With close to 350 people in attendance, our 2009 ACLU Foundation of Oregon Dinner was a great success. The evening's program included KPOJ Morning Show's Carl Wolfson, a keynote address by writer Jim Hightower, and the presentation of our 2009 Civil Liberties Award to 27 Oregon lawyers and key staff who have made extraordinary commitments in order to represent individuals detained by the U.S. government at Guantanamo Bay, Cuba.

With the help of our dinner sponsors and our individual donors we raised over \$45,000 in support of our litigation, education and communications programs.

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Southwestern Oregon

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Wrathall

From Ashland to Portland, Members Across the State Contribute to Outreach and Education

ACLU of Oregon membership growth during the past few years has created a vibrant group of supporters and volunteers around the state, with numerous educational programs and special events.

In the past year, we expanded our reach, adding Facebook (258 friends as of mid-June) and MySpace pages and a youth outreach group to focus on young champions of civil liberties.

We tracked 1,491 volunteer hours for the fiscal year — not counting the thousands of hours put in by board members and cooperating attorneys whose exact hours have not been tabulated.

How did the volunteers keep so busy? There were tables to staff at community celebrations and farmers' markets, parades in Ashland and Eugene to march in,

speeches to deliver and the Legislature to lobby. There were orientations, trainings, mailing parties, barbecues and ballot measure forums, in Portland, Corvallis, Eugene, Central and Southern Oregon.

Fifty ACLU volunteers turned out for Lobby Day in March, sharing our issues with legislators. We worked with the Community Coalition for Advancement of Human Rights to host a celebration in Eugene marking the 60th anniversary of the United Nations' Universal Declaration of Human Rights. Garrett Epps spoke to the Lane County Chapter, and Steve Wax spoke to the Benton-Linn Chapter.

Hundreds enjoyed the 2009 ACLU Foundation of Oregon Dinner in Portland, with Texas writer Jim Hightower as keynote speaker. We honored the work

of 27 Oregon lawyers and staff members who represented Guantanamo Bay detainees.

We also honored Leah Reis-Dennis, a Eugene high school student, as Oregon winner in the national ACLU Student Activist Scholarship Program for her work in the field of reproductive rights.

We presented Know Your Rights workshops at Southern Oregon University and the Ashland Public Library. And we co-sponsored a forum titled Same-Sex Marriage and the First Amendment at Portland State University.

Interested in more volunteer activities? Take a look at the possibilities at www.aclu-or.org or look for the ACLU of Oregon page at www.facebook.com or www.myspace.com.

Protecting Booksellers from Prosecution

We are appealing to the 9th Circuit U.S. Court of Appeals to block Oregon laws that created two new crimes aimed at keeping sexually explicit materials away from minors.

The laws passed by the 2007 Legislature create the risk of criminal prosecution for retailers, non-profits and individuals who provide literature, art and sex education materials to minors.

Who could be charged under the law? Retailers who don't prevent 12-year-olds from looking at a sex-ed manual written for children. Grandparents who give their grandchildren classic works of literature. A 16-year-old who shares her copy of Judy Blume's "Forever" with her 12-year-old sister.

In December, U.S. District Judge Michael

Mosman ruled against us in *Powell's Books, et al v. Hardy Meyers, et al*, ignoring our claims that the law was overbroad and allowed too much discretion to police and prosecutors to file charges against people, businesses and organizations that are providing materials deemed sexually explicit to minors for legitimate purposes.

Among the materials submitted to Judge Mosman for his consideration in the case were books such as: "It's Perfectly Normal," by Robie Harris, a sex education book designed for children who have not yet reached puberty; the novels "Forever" by Judy Blume and "After the Night" by Linda Howard; and sex education materials used by young peer educators in the programs of Planned Parenthood of the Columbia Willamette and Cascade AIDS Project.

Judge Mosman concluded that there was not a "substantial" amount of protected material that would be criminalized under the laws. We disagree, and we are concerned that the laws create a chilling effect on protected expression.

ACLU volunteer cooperating attorney P.K. Runkles-Pearson of the Portland law firm Stoel Rives LLP and Media Coalition attorneys Michael Bamberger and Rachel Balaban of the New York law firm Sonnenschein Nath & Rosenthal LLP represented a coalition of retailers, non-profits and individuals in the trial court.

In the appeal, lawyers for the Media Coalition will represent the booksellers, and lawyers for the ACLU will represent the ACLU of Oregon, Candace Morgan, Planned Parenthood and Cascades AIDS Project.

Preserving Fairness on Bus Ads

When bus ads that linked the destruction of salmon runs to dams on the Klamath River were rejected by TriMet as being "political," we went to court to protect the free speech rights of the ads' sponsors, the Karuk Tribe of California and the Friends of the River Foundation.

The ads showed salmon facing a wall of electrical sockets and were captioned "Salmon shouldn't run up your electric bill. They should run up the Klamath River" and directed readers to a website for more information about environmental and economic issues surrounding the four Klamath River dams owned by Pacific Power, which is based in Portland.

The Multnomah County Circuit Court



When TriMet did not allow this ad to run on its buses, the ACLU of Oregon went to court to protect free speech rights of the ads' sponsors.

granted summary judgment in our favor, reasoning that if TriMet chooses to allow ads on its buses, it cannot decide which ads to accept and which to reject based on their content.

TriMet has taken the case to the Oregon Court of Appeals. We filed our brief on behalf of the Karuks on Jan. 20. Cooperating attorney is Thomas Christ of Cosgrave Vergeer Kester LLP.

Blocking an Anti-Immigrant Measure in Columbia County

In November, Columbia County voters approved a ballot measure designed to punish businesses that hire undocumented immigrants. Almost immediately, we joined with the Northwest Workers Justice Project and independent lawyer Steve Manning, on behalf of 29 plaintiffs, to block Measure 1-590 on grounds that it exceeded the county's powers, violated the single subject requirement of the Oregon Constitution and is pre-empted by state laws, land-use statutes and regulations.

Measure 5-190 relied on E-Verify, a federal database designed to check employees' names against Social Security records. That database has proven to be flawed and ineffective. One transposed digit or misspelled name could flag longtime citizens as "illegal."

In April, a Columbia County judge overturned the ballot measure, ruling, among other things, that enforcement provisions in the measure were pre-empted by federal law.

Attorneys handling the case for the coalition included D. Michael Dale, Steven Goldberg and Meg Heaton for Northwest Workers' Justice Project; ACLU cooperating attorneys Bruce L. Campbell and Elisa J. Dozono, both of Miller Nash LLP; Stephen W. Manning of the Immigrant Law Group; and Chin See Ming, Legal Director for the ACLU of Oregon.

Why do
YOU support the
ACLU?

"Tension makes the system work. ACLU is a critical component of the checks and balances that make our nation work."



Russ Spencer
Portland

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Coalition Honored for Intellectual Freedom Work

At the American Library Association's annual conference this month in Chicago, two partner groups and the ACLU of Oregon will receive the \$1,000 SIRS-ProQuest State and Regional Achievement Award given by the library association's Intellectual Freedom Round Table.

The Celebrate the Freedom to Read coalition – the ACLU of Oregon, the Intellectual Freedom Committee of the Oregon Library Association and the Intellectual Freedom Committee of the Oregon Association of School Libraries – emphasizes the importance of a basic civil liberty.

The Oregon campaign increased statewide participation in Banned Books Week by 22 percent over two years. In 2008, 31 of Oregon's 36 counties participated in Banned Books Week activities, which were hosted by academic, public and school libraries; the Oregon State Library; and 10 bookstores; with a total of 241 sites. Ten thousand "I Read Banned Books" buttons were distributed.

The 2008 programs included

events involving comics and censorship in Portland and Eugene, readings from "Kafka Comes to America: Fighting for Justice in the War on Terror" by Oregon Federal Public Defender Steven T. Wax, and Hood River book clubs focusing on Lois Lowry's books.

Our project has raised awareness of the importance of libraries for protecting the freedom to read. In 2008, Oregon libraries and bookstores reported that people's most frequent response to the displays was surprise, shock and anger that books they have read and loved are challenged and sometimes banned.

Coordinators for the 2008 activities were: Katie Anderson, Coordinator, Oregon Intellectual Freedom Clearinghouse; Emily Crawford, OASL Intellectual Freedom Committee Chair; Bob Kingston, OLA Intellectual Freedom Committee Chair; Candace Morgan, member OLA IFC and ACLU of Oregon Board; James Phelps, ACLU of Oregon Development Director; and Brian Willoughby, former ACLU of Oregon Communications Director.

Celebrate the Freedom to Read master list of all materials challenged or banned in Oregon since 1979:
www.aclu-or.org/bannedbooks

Celebrate the Freedom to Read

An interview with ACLU Board Member Candace Morgan

ACLU of Oregon Board member Candace Morgan helped start the Celebrate the Freedom to Read in Oregon project in 2006. It was the 50th anniversary of the Oregon affiliate, and the goal was to create a statewide civil liberties activity.



CANDACE MORGAN
ACLU BOARD MEMBER

Morgan said: We chose to take the lead in creating a statewide celebration of the freedom to read during Banned Books Week because libraries are throughout the state, they serve their whole communities, and the participants would benefit from shared efforts. The response was so positive that we decided to do it each year and to include bookstores.

ACLU: Why do people take such pride in wearing their "I Read Banned Books" buttons?

Morgan: Participating libraries and bookstores report that the most frequent response to their displays is surprise, shock and anger that books they have read and loved are challenged and sometimes banned. People wear the button with pride as a symbol of our freedom to choose what to read. The buttons also spark discussions among family members, friends and strangers in libraries, bookstores, carpools and on the street.

ACLU: Do you have a favorite book that shows up on the Banned Books lists?

Morgan: There are two of them: "Daddy's Roommate" by Michael Willhoite and "In the Night Kitchen" by Maurice Sendak.

ACLU: What's unique about Oregon's Banned Books activities?

Morgan: I don't know of any other statewide celebration coordinated by volunteer representatives of three different organizations. We created and maintain a searchable spreadsheet of materials challenged in Oregon beginning in 1979 using the records of the Oregon Intellectual Freedom Clearinghouse, the American Library Association and local news reports. Each entry includes (if available) year of the challenge, description of the material including the age level, type of library or level of school in which the item was challenged, reason for the challenge and the outcome. The spreadsheet is always available on the ACLU of Oregon website.