

ACLU OF OREGON NEWS

FALL 2017



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FROM THE EXECUTIVE DIRECTOR, DAVID ROGERS



David Rogers

We are nearing a full year since the presidential election, and many of us are still developing basic coping skills for the intensity and unpredictability of the political landscape. The highs, lows, fear, and underlying, existential anxiety of this moment has transformed months into dog years.

If we have personally talked or you have read some of my writing, you know that I have largely remained optimistic. Living in Oregon means we don't need to be stuck in a defensive posture even when there are forceful attacks on civil rights and

liberties coming from D.C. We have the ability to move a proactive agenda forward, and this year Oregon has demonstrated exactly how it is done.

In this newsletter, you can read about some of the highlights of our legislative agenda. We won nationally landmark victories working with allies to advance reproductive freedom and criminal justice reform among other things. And we aren't done yet.

Oregon is a beacon of light for the rest of the country as we demonstrate how states can push back on the Trump administration.

We need to celebrate the victories while not losing sight of battles we're still engaged in. The stakes are high and the need for resilience and sustained defensive work is also clear. I am writing this letter days after the Trump administration announced they are ending the Deferred Action for Childhood Arrivals (DACA) program and throwing the lives of the "Dreamers" into turmoil. There are 11,000 Dreamers in Oregon alone. They are our friends, family, colleagues, and neighbors and we must fight to protect them.

"There are 11,000 Dreamers in Oregon alone. They are our friends, family, colleagues, and neighbors and we must fight to protect them."

This is far more than a rhetorical battle, there is a very real human toll to Trump's policy attacks. Lawmakers such as Representative Greg Walden must choose if they are on the side of the Dreamers or on the side of the ugly forces that helped to dismantle DACA.

Take a moment to consider the plight of the 800,000 Dreamers nationwide. They have lived in the United States for practically their entire lives and they now face deportation to countries they know very little about. They trusted the U.S. government and shared their personal information to participate in a program that is now on the chopping block due to the politics of fear-mongering and xenophobia.

We all must push Congress to put a permanent legislative fix in place for the Dreamers.

Those of us struggling to resist the attacks on civil rights and liberties are in a moment of cognitive dissonance and it is hard to reconcile contradictions. On one hand, belief in the Constitution has helped deliver incredible victories in the past eight months. Strategic litigation and court rulings have pushed back the Muslim Ban 1.0 and 2.0, attacks on sanctuary cities, as well as state-based and race-based gerrymandering. Legal strategies have provided a huge boost to the resistance, and it's somewhat reassuring that the country still has the rule of law.

At the same time, we must also acknowledge that the law hasn't been working for everyone, and it makes total sense why many of our communities

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might find it difficult to place much faith there. For example, Communities of Color continue to get crushed by our criminal justice system, and we cannot rely on the same approaches and strategies for reform. In this respect, I am excited and proud that the ACLU of Oregon just launched a cutting-edge new campaign called They Report to You. This campaign is focused on district attorney accountability. District attorneys are the most powerful actors in the criminal justice system and they are also elected leaders. Up until now, they have both been the biggest roadblock to real reforms and have simultaneously flown under the radar of the public. Our new campaign will focus in an area of public education and organizing that holds tremendous promise. It is also an area where the ACLU of Oregon is helping to lead the way in the U.S. (see page 14)

At a time when the political landscape is shifting and the world is changing faster than ever, I am proud that the ACLU of Oregon is stepping out in important ways. We need to remain nimble and we are finding ways to be both responsive to immediate needs while developing long term, strategic campaigns. We need to build on tried and true strategies while also testing new approaches.

Thank you for your support and engagement. Our work and success depends on the support, dedication, and involvement of our thousands of members around the state. Together, we will continue to rise to tackle the challenges ahead.

Peace,

David Rogers

ON THE COVER



2017 LOBBY DAY IN SALEM

Over 200 ACLU of Oregon supporters gathered at the state capitol to make their voices heard at our Lobby Day.

Participants rallied on the capitol steps and met with their legislators to talk about a wide-ranging set of issues including reproductive justice, criminal justice reform, voting rights, and more. For a recap of what happened in Salem this year, see our Legislative Summary on page 4.

VOLUNTEER SPOTLIGHT: LEGAL OBSERVERS

The ACLU of Oregon's volunteer legal observers protect the First Amendment rights of protesters by acting as neutral observers. They have observed over 50 events since January. Legal observers have documented the deployment of pepper spray, pepper balls, rubber bullets, concussion and flash-bang grenades, and have themselves been injured and detained by police.

A group of legal observers have also been trained to observe federal agents with Immigration and Customs Enforcement (ICE) in courthouses. These volunteers have witnessed ICE arrests inside and near courthouses, despite calls from Oregon's top officials to stop immigration enforcement at courthouses because it scares people away from court. (see page 10)

We are very thankful for their service. If you see them out in their blue vests, please tell them we said so!



2017 LEGISLATIVE SUMMARY

by Kimberly McCullough, Policy Director

2017 was an incredibly successful year at the Oregon legislature. Most of our high-priority bills passed, many with bipartisan support, and an incredible number of bills we supported also made it across the finish line. We suffered no major defeats, as we were able to kill or obtain amendments to numerous bills that posed a threat civil rights and civil liberties.

We appreciate the Oregon Legislature's willingness to stand up for our rights on so many crucial issues, considering the intensity of attacks at the federal level. We are also grateful for our numerous allies in this work, as our victories are almost always the result of partnerships, collaboration, and coalitions. We are also deeply humbled and proud of how many ACLU of Oregon members offered their support at our Lobby Day and through our various calls to action during the session. In total, our members made our voice strong through over 20,000 emails, letters, and legislator visits!

This report is intended to highlight our proudest accomplishments, along with a sampling of the breadth of our advocacy work in Salem. For our legislative report card and more detailed information about the bills described here, please see our extended legislative report on our website.



ACLU supporters on the state capitol steps.

CRIMINAL JUSTICE & DRUG REFORM

This session, we saw unprecedented success in the passage of landmark criminal justice and drug reform legislation. What is so significant about this success is that much of it occurred despite strong opposition from district attorneys. At a time when the United States Attorney General wants to ramp up the War on Drugs, Oregon has demonstrated that we can work proactively to reduce our over-reliance on incarceration, reduce racial disparity, and move toward a system that emphasizes treatment, prevention, and helping people rebuild their lives.

Among our most significant victories were bills addressing profiling by law enforcement and decreasing sentences for low-level drug possession (HB 2355), requiring recording of grand jury proceedings (SB 505), and enacting sentencing reform and expanding rehabilitation programs in order to reduce over-incarceration and prevent the opening of a new women's prison (HB 3078). We also supported successful bills preventing marijuana businesses from retaining customer information to prevent data sharing with drug enforcement or other improper uses (SB 863), removing marijuana from our state Controlled Substances Act (SB 302), creating a Certificate of Good Standing to help people with criminal records show employers, landlords, and others that they have successfully rehabilitated (SB 690), and reducing criminalization of transit riders (SB 357 and HB 2777).

VICTORY: Police Profiling & Drug Reform

HB 2355, a bill aimed at identifying and reducing profiling by law enforcement, mandates statewide collection, reporting, and analysis of data to identify where and how profiling is occurring. It also requires interventions with agencies with profiling problems, and mandatory anti-profiling training for all levels of officers across the state. Importantly, the bill also decreases the penalty for possession of small amounts of controlled substances from a felony to a misdemeanor, with some exceptions. Felony records pose serious barriers to future access to housing, employment, and educational opportunities and prevent people from successfully rebuilding their lives. We expect this change to impact thousands of people every year, moving us a significant step away from the failed War on Drugs.

YOUTH RIGHTS

We participated in a community advisory group that crafted legislation prohibiting the use of solitary confinement as punishment in Oregon Youth Authority facilities (SB 82). We also supported a bill prohibiting the cruel practice of shackling youth in juvenile court proceedings (SB 846), a bill requiring that law enforcement record interviews with youth at stationhouses during investigations of felonies (HB 3242), and the creation of a bill of rights for children of incarcerated parents (SB 241).

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REPRODUCTIVE RIGHTS & JUSTICE

The landmark Reproductive Health Equity Act [RHEA, HB 3391] proves that Oregonians are willing to stand up and fight back against attacks on our rights by the current administration. We are proud to have helped write this bill, educate the public, and lobby the legislature, as a member of a forward-thinking, inclusive group of advocates: the Pro Choice Coalition of Oregon. RHEA will reduce barriers to the full spectrum of reproductive health care, regardless of a person's gender identity, citizenship status, and type of insurance. It also ensures that the right to safe and legal abortion is protected in Oregon, even if *Roe vs. Wade* is overturned. Lastly, it protects no-cost contraception, even if the Affordable Care Act is sabotaged. *The New York Times* hailed this as the national model for advancing reproductive freedom in the Trump era!

VOTING RIGHTS

We supported successful legislation which will allow 16-year-olds to preregister to vote, which has been shown to significantly increase voter participation by youth (SB 802).

VICTORY: Grand Jury Recording

After over 30 years supporting failed attempts to change the law, SB 505 will finally require recording of all grand jury proceedings in Oregon. Since grand juries are run by district attorneys behind closed doors with no judge or defense counsel present, recording will ensure grand juries serve their intended role of checking prosecutorial power and helping to eliminate prosecutorial misconduct in the process. This bill also requires disclosure of recordings when grand juries fail to indict police officers or other public officials. This victory meaningfully increases transparency in our justice system.

TRANSGENDER RIGHTS

We supported a successful bill to create a safer, more efficient, and affordable process for changing a person's name and gender on vital records for the purpose of affirming gender identity (HB 2673).



Dr. Zeenia Junkeer speaks about the Reproductive Health Equity Act at our Lobby Day.

PRIVACY RIGHTS

We supported a successful bill requiring internet businesses to follow their own privacy policies and allowing the state Attorney General to hold them accountable for violations [HB 2090]. We obtained amendments limiting some of the worst privacy risks of a bill authorizing Oregon to ensure state driver's licenses comply with the federal Real ID Act, and we successfully fought to allow Oregonians to opt out of the REAL ID altogether and receive state identification cards with more privacy protections [SB 374]. We blocked provisions in a bill that would have expanded government access to Oregon's Prescription Drug Monitoring Program and would have interfered in doctor-patient relationships [HB 2518]. We also successfully opposed a bill that would have allowed law enforcement to subject drivers to warrantless blood draws [HB 2614].

IMMIGRANT RIGHTS

We supported a successful bill to protect the privacy of immigrants by limiting information sharing with the federal government and providing guidance to schools, courthouses, and other public entities on how to respond to requests by Immigrations and Customs Enforcement (HB 3464). We provided legal analysis and support for a reduction of the maximum sentence for Class A misdemeanors from 365 days to 364 days, which will eliminate the arbitrary deportation of legal non-citizens for low-level, non-violent offenses (HB 2355). We also supported a bill acknowledging the 75th anniversary of Executive Order 9066, which inflicted injustice, pain and suffering on Japanese Americans during World War II, and the national Day of Remembrance (SCR 14).

View the full report and legislator scorecard online at www.aclu-or.org.

BALLOT MEASURE WATCH

by Jann Carson, Deputy Director

Progressive Oregon laws regarding access to abortion services; robust voting access; and immigrant inclusive public safety are all threatened if certain initiative petitions qualify for the 2018 general election ballot. Approval of any one of these measures would be a tremendous setback for Oregonians.

While these proposals have a long way to go before qualifying for the ballot, we are working with allies, now, to oppose these efforts. For each of the following initiative proposals we have advocated for accurate ballot titles so that voters can understand the true impact of the measures.

Initiative petition (IP) 1 proposes a constitutional amendment to ban the use of public funds for abortion services. This proposal broadly written and its impact would be wide and harmful to a significant number of people in our state. If approved, IP 1 would stop state Medicaid dollars from helping poor women receive abortions, unless the woman's pregnancy is life threatening. IP 1 does not create an exception for pregnancies resulting from rape or incest nor does its definition of abortion create any exceptions for contraception that works post-conception. Additionally, the definition of public funds in IP 1 includes monies used to purchase health insurance policies for all public employees and those employees' dependents. The result of this proposal becoming law would greatly diminish access to abortion in Oregon.

Oregon is one of the most pro-choice states in the country. And, with landmark legislation, we just went further. The passage of Oregon's Reproductive Health Equity Act is a national milestone in expanding both access to the full range of reproductive health care and the number of people who will have access to this care (see page 5). IP 1 could endanger a significant portion of this progress.

Initiative petition 5 proposes a constitutional amendment that would purge most of Oregon's 2.5 million registered voters from Oregon's election rolls. Everyone wishing to vote in the 2020 elections and beyond would be required to re-register showing documentation of their proof of citizenship.

The proponents of IP 5 are emulating President Trump's elections advisor, Kris Kobach, who is the notorious author of many voter id laws across the country. The ACLU has successfully challenged several voter id laws in other states and we would challenge IP 5 if

necessary. Unfortunately many people are often disenfranchised while court challenges are pending. We know from experiences in other states with similar requirements it is citizens who are older, poorer, or minorities who more likely do not have easy (or any) access to certain identity documents. Conversely, there is no concrete evidence of this type of voter fraud.

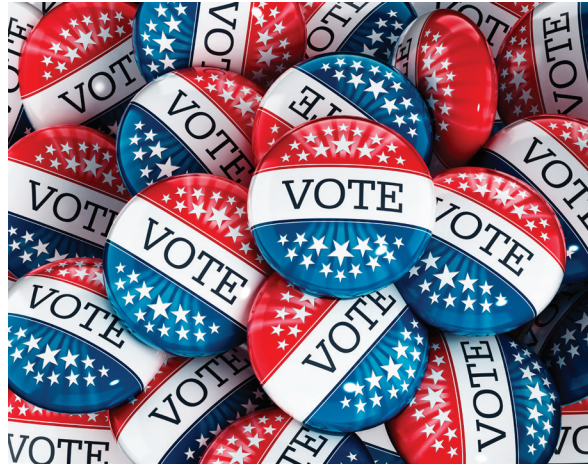
Oregon has led the nation with vote by mail and automatic voter registration both of which have greatly increased the number of citizens who are registered to vote and who do vote. The chief petitioners for IP 5 are quite vocal in their suspicions of Oregon voters. State Representative Mike Nearman, one of the chief petitioners, was quoted in *The Bend Bulletin* expressing his doubts about the legitimacy voter registration efforts in Woodburn, Oregon, because it has a Latino majority

population. His presumptions appear to be based on racist stereotypes not factual evidence.

Initiative petition 22 seeks to repeal Oregon's, first in the country, law that limits state and local police from enforcing federal immigration laws. Some people call these "sanctuary" laws. That is really a misnomer because the law does not shield people from federal immigration enforcement. Rather, Oregon's immigrant inclusive public safety law (ORS 181A.820) simply regulates how Oregon will and will not use our state and local resources in relation to federal immigration enforcement. This law does not interfere with Oregon following any federal requirements relating to immigration enforcement.

In 1987, Oregon adopted this law because local police, intent on assisting federal immigration officers, were mistakenly arresting and harassing people they presumed were not allowed to be here. Oregon police were helping federal immigration officers look for undocumented immigrants by putting up roadblocks and raiding farms to detect undocumented people. Local police were detaining people for no reason other than they were Latino.

In response, 30 years ago, the Oregon legislature said racial profiling in the name of immigration enforcement has to stop. Oregon's police leaders have come to embrace the law as a wise delineation of resources: our state and local police enforce our state criminal laws and federal agents enforce federal immigration laws. Our local law enforcement has come to recognize that if some people in our communities fear being turned over to the federal Immigration and Customs Enforcement (ICE) those



PLEASE WELCOME OUR NEW STAFF



JAZMIN ROQUE STATEWIDE ORGANIZER

Jazmin Roque is an anti-racist, Mujerista, grassroots organizer, maneuvering and resisting assimilation and respectability politics. She was born in Twin Falls, Idaho and received her B.A. in Political Science from Southern Oregon University. As a student, Jazmin was a fierce advocate for affordable and accessible higher education. This included her leadership as co-chair of Oregon Students of Color Coalition in 2013, passing Tuition Equity in Oregon and her involvement in developing a textbook affordability report with the Higher Education Coordinating Commission.

Her interests lie within social movements as they relate to successfully altering relations of power, specifically concerning models that center communities on the margins of the margins. Jazmin is passionate about creating opportunities for collective transformation and is excited about working with the ACLU of Oregon to explore the ways in which we can cultivate the readiness to engage in challenges to come.

DANIEL LEWKOW CAMPAIGN MANAGER *THEY REPORT TO YOU*

Daniel Lewkow has worked on a wide variety of political campaigns in Oregon and Nevada, ranging from local ballot measures to senatorial, judicial, legislative, and gubernatorial candidacies. He has also managed policy-based campaigns in the Oregon Legislature and at the local level, including the successful push to pass the Open and Accountable Elections Reform in Portland.

Daniel is originally from Richmond, Virginia. He graduated from American University in 2010 with a B.A. in Political Science. Daniel lives with his husband in Portland, where he enjoys exploring the beauty of the Pacific Northwest. He is drawn to the ACLU of Oregon's work because of his strong belief in reforming our criminal justice system and in improving access to our democracy.



BALLOT MEASURE WATCH (continued)

individuals will not report crimes or assist local law enforcement. This dynamic reduces public safety for everyone in our communities.

Post 9/11, then U.S. Attorney General John Ashcroft ordered interrogations of thousands of men from Arab or Muslim countries without any individualized suspicion of wrongdoing. The Portland Police Bureau refused to participate in this dragnet because it would violate Oregon's immigrant-inclusive public safety law.

Supporting IP 22, so far, are its chief petitioners, state Representatives Mike Nearman, Sal Esquivel, and Greg Barretto, along with Oregonians for Immigration Reform

(OFIR), an anti-immigrant group that accepts funding from known white nationalist sources. IP 22 is not the first attempt to bring anti-immigrant proposals to the ballot. In 2015, Representatives Nearman and Esquivel, joined OFIR to sponsor several initiative proposals aimed at harming immigrants. At that time, they brought then-Sheriff Joe Arpaio of Maricopa County, Arizona to speak at a rally on our state capitol steps in Salem. It is extremely troubling that some Oregonians look to Joe Arpaio, who terrorized communities of color for more than 20 years, as a model of how to treat anyone.

Because freedom can't protect itself.

CRUEL CONDITIONS AT DOUGLAS COUNTY JAIL

By Terri Carlisle, Roseburg

In April, we teamed up with Lewis and Clark Criminal Justice Reform clinic to file a lawsuit on behalf of Terri Carlisle, a 60-year-old woman who was denied medication and subjected to foul conditions and cruel treatment in the Douglas County jail. In her own words, Terri explains why she needed to come forward with her story.

I am telling my story, embarrassing and scary as it is for me to tell, in hopes that it will bring changes to Douglas County. What happened to me in jail there was cruel and dangerous. And from what I saw, my experience was not an outlier, it was the norm.

After a rough patch of life, I increasingly turned to alcohol and things quickly got out of control. I was charged with driving under the influence three times and knew I needed to make some serious changes. I faced six months in the Douglas County Jail for my crimes, and I felt the sentence was appropriate. I knew jail would not be a vacation, but I never could have imagined the deplorable conditions that awaited me there.

I could write a small book about the horrors I witnessed. Many women in the jail had open sores, including one woman with a gaping hole in her thigh. As a former medical professional, I recognized this as MRSA, a serious bacterial infection that is highly contagious. MRSA is not a joke and those women should have been isolated from the rest of us. Instead, 10 women shared a single shower. I went in to be punished, not handed a death sentence. MRSA can kill.

Women with other serious medical conditions were denied their medications, or delayed to the point of serious risk. I saw people unable to receive stool softeners for days at a time. A simple aspirin had a 24-48 hour turnaround time.

To make matters worse, while several of the officers were kind and compassionate, most were not, and seemed to enjoy abusing their power and watching us suffer. I saw an older woman thrown to the ground for back talking a guard and I saw women beating each other.

As horrible as life in the general population was, the situation quickly became much, much worse for me when I was punished for "hoarding" my prescription medication for neuropathy, Gabapentin. I take this medication four times a day for severe nerve pain. One day, guards found one pill from a missed dose and accused me of hoarding. As a punishment, they put me in the Douglas County Jail's version of "the hole" for a week, a 12 foot by 12 foot cell

where up to 10 women were held at a time.

In the punishment cell, it was hot, filthy, and the smell was so bad it was difficult to breathe. For 24 hours a day, we languished in the small cell, even taking our meals there. Because it is also where newly incarcerated people are held, many are still high or sick from withdrawal. We only had one

open toilet to share and women were vomiting and had diarrhea. One poor woman on her menstrual cycle had soiled clothing. We had to plead for toilet paper, feminine sanitary products, and clean clothing. Generally, we were left in our own mess for hours at a time. I went six days without a shower. I was denied phone calls or

outgoing mail. Again, there is a difference in punishment which I feel I deserved, and abuse, which I did not deserve.

Worst of all, they discontinued my medication immediately, which caused me a great deal of pain and suffering. Abruptly stopping this medication can have serious side effects, and I suffered many of them. To withhold medication as a form of punishment is not only inhumane, but illegal. No one should have that power. My doctor even wrote to the jail on my behalf, but they never gave me my prescription again for rest of my incarceration.

Adding insult to injury, when I was finally released, I went immediately to make a payment arrangement for the \$6,000 in fines that were part of my sentence. I was informed that while I was incarcerated, my account was

turned over to the State of Oregon for non-payment and they added an additional \$3,179.20 in "collection" fees. It was outrageous. I wasn't even given a chance to make an arrangement.

My friends encouraged me to call the ACLU of Oregon, to help make sure that no one else faces the cruel treatment I and other women faced in Douglas County Jail. Many people are afraid to come forward about the conditions there,

for fear of retribution in our small county – and I would be lying if I said I wasn't worried about that myself. But I know that what is happening in the jail is wrong. And I hope that when the people of Douglas County hear about my story, they will join me in demanding changes to the jail operations.

"I knew jail would not be a vacation, but I never could have imagined the deplorable conditions that awaited me there."

"We had to plead for toilet paper, feminine sanitary products, and clean clothing. Generally, we were left in our own mess for hours at a time."

BOARD OF DIRECTORS NOMINATIONS

Read candidate bios and cast your ballot online at www.aclu-or.org/BoardElections.

Each of the candidates is running for a three-year term.



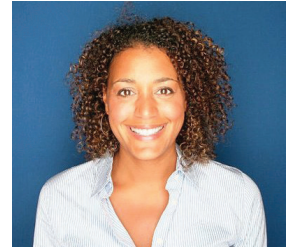
Daniel Bartz
Eugene



Merry Demarest
Corvallis



Elisa Dozono
Portland



Malika Edden Hill
Portland



Stephen W. Manning
Portland



Suk Rhee
Portland



Dan Winter
Portland

ABOUT BOARD NOMINATIONS

The nominating process tries to balance several criteria when seeking candidates to run for election to the board. Because we are working to ensure Oregon is a place where we value and stand up for the basic rights of everyone, it is vitally important that we seek diversity and equity when developing leadership within the ACLU of Oregon.

In addition to our equity goals, we also seek candidates who will provide geographic and age diversity, as well as a range of skills and experiences. As we seek individuals who meet these criteria, we also ask candidates to meet several expectations, such as attendance at the six bimonthly meetings of the board and participation in the financial stewardship of the organization, which includes fundraising-related duties.

Additional nominees to the slate may be made by a petition of 50 members of the ACLU of Oregon. A petition shall include the term for which a candidate is nominated, the candidate's background and qualifications, and a signed statement expressing the nominee's willingness to serve if elected. Petitions must be received in the Portland office no later than 5 p.m. October 23.

ONLINE VOTING OPENS ON NOVEMBER 6

Members of the ACLU of Oregon who have paid their dues within the past 15 months are eligible to vote for the organization's board of directors. We are excited to offer online voting at www.aclu-or.org/BoardElection to increase voting accessibility and to save on paper, printing, and mailing costs.

Voting will open on November 6 and all votes must be cast by 5 p.m. on December 4. You will need your 8-digit membership number to vote. Your membership number is part of the mailing label, above your name, on the back page of this newsletter. If you have a joint membership, your membership number will provide voting access for both members.

Members who are signed up for our Action Alert email will receive a reminder with complete voting instructions and links to the online ballot. If you wish to have a paper ballot mailed to you, please contact us, at info@aclu-or.org or call 503.227.6928 x102.

ICE AGENTS CAUGHT ON VIDEO HARASSING OREGON MAN

by Mat dos Santos, Legal Director

In September, Attorney General Jeff Sessions came to Portland, Oregon, seemingly to stoke the public's fears and anxieties with exaggerated tales about crime rates. He was also here to try to bully our state and local law enforcement into participating in Trump's racist deportation force, despite a 30-year-old Oregon law that makes it clear that our local resources are not to be used on federal matters.

Here is the reality in Oregon: Under the Trump administration, Immigration and Customs Enforcement (ICE) is out of control. ICE has been prowling our county courthouses, harassing people based on the color of their skin, and tearing apart Oregon families. They have raided Dreamers at home and targeted mothers, fathers, and a van full of agricultural workers. And because ICE refuses to release information about enforcement actions, there are likely many more stories that have gone unheard.

Like many courthouses across the nation, ICE has been targeting the Washington County courthouse in Hillsboro, Oregon. This predatory behavior from ICE is a huge problem for local communities because defendants, witnesses, and victims are scared to come to court.

Since May, a group of ACLU of Oregon volunteer legal



Protesters pose with a legal observer outside the Washington County courthouse in Hillsboro.

observers have been monitoring ICE activity at the courthouse in Hillsboro. They have documented at least 10 arrests there including a mother whose children were waiting for her with a babysitter, a father of three who was at the court to pay a traffic ticket, and four arrests inside the courthouse. ICE keeps arresting people at the court despite calls from Oregon's top officials to stop. Is ICE accountable to no one?

A group of faith leaders and local activists came together to hold a vigil outside the courthouse to protest the ICE arrests there. Local media were also present to

You have the right to film law enforcement in Oregon.



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cover the vigil, in addition to ACLU of Oregon volunteer legal observers and staff. Our staff attorney caught ICE agents filming the protesters, a clear violation of state and federal laws. But that wasn't even the worst of it.

Isidro Andrade-Tafolla and his wife were leaving the courthouse, when a group of people in street clothes, who he later found out where ICE agents, surrounded his car and demanded to see his ID. One agent showed him a mugshot on her phone and said it was him, but when Isidro and his wife saw the picture they were shocked: the only resemblance was the color of his skin.

Thankfully, our legal observer recognized the agents and was able to film the encounter on our Mobile Justice app. Once a crowd of bystanders started to form and ask questions, the federal agents quickly fled. Now that their tactics have been exposed, ICE says this was a case of "mistaken identity," but we see a clear case of racial profiling.

Isidro was shaken up by the discriminatory experience, and he has been speaking out about what happened to him



As an interfaith vigil to protest ICE arrests at the courthouse was going on steps away, plainclothes ICE agents followed Isidro Andrade-Tafolla and his wife as they left the court, surrounded them, and, without identifying themselves, demanded to see his ID.

and his wife. He is a citizen and has worked for the county for 20 years on the maintenance crew. He worries that his children could get targeted and harassed by ICE based on the color of their skin, too.

Oregon Representatives Suzanne Bonamici and Earl Blumenauer sent ICE a letter demanding an investigation into the incident. Earlier this year, they introduced legislation to add

courthouses to the list

of "sensitive locations" where immigration enforcement is prohibited like daycares, schools, and hospitals. The local sheriff also spoke out against the dangers of plainclothes officers making arrests without identifying themselves. This underscores the need for ICE to stay out of courthouses and properly identify themselves at the beginning of any encounter.

ICE will be hearing from us about their activities at the courthouse. Federal agents cannot just go around stopping anyone who looks Latino and demanding to "see their papers." This should not be happening in the United States.

Congratulations!

Mat dos Santos,
our legal director,
was named one of the
"Best LGBT Lawyers Under
40" by the National LGBT
Bar Association!



NIGHTMARE AT PDX

by Laurie Bridges, Corvallis

Cristina Alonso, a 22-year-old college student from Spain, planned to visit Oregon for six weeks this summer. Instead, border agents sent her to NORCOR jail in the The Dalles for over 48 hours. Her friend, Professor Laurie Bridges, shares the shocking story.

On Wednesday, July 5, I arrived at the airport in Portland to pick up a family friend, 22-year-old Cristina Alonso. Cristina had purchased a roundtrip ticket, from Madrid to Portland and would be staying with my family in Corvallis for exactly six weeks.

A mutual friend in Spain had connected us six months prior. Cristina was interested in coming to the U.S. and to have a “cultural experience,” as she put it. We have hosted other students in the past, and we thought it would be a great experience for all of us, so we came up with a plan for her to visit us for the summer. Cristina wanted to work on her English, and my son needed help with his Spanish, so we offered to give her \$100 per week to help make the trip work on her budget. We also made plans to go on trips to Bend and Seattle, so she could see a little more of the country.

Although she was excited, she was also very nervous about visiting the United States. It was her first time traveling outside of the European Union and the news about President Trump had raised concerns about traveling here. To help ease her fears, I wrote up a short letter that I scanned and emailed to her, though I never imagined she would have any trouble. The letter stated simply that Cristina would be visiting us in Corvallis for six weeks, she was a friend of the family, she would help my son with his Spanish and we would help her with her English, and we would go on trips to Bend, Oregon and Seattle, so that she could see more of the country. I also included my phone number in the letter.

While I waited for Cristina at the airport, she messaged me to say she had landed and also sent a photo of the long line at customs. An hour and a half later, I got a call from a man who said he was a border agent. He told me that he was with Cristina and that she had the wrong visa. He told



Cristina Alonso (center) with friends in Spain.

me that he understood she was visiting us, mostly to help my son with his Spanish, but the \$100 per week allowance we had planned on giving her meant she should have a different visa. He told me he would see what he could do and that he would call me back. The phone call lasted no more than two minutes. He never called back and Cristina stopped answering messages.

In a panic, I called the number back several times, but there was no answer and a message said the mailbox was full. I frantically messaged back and forth with her parents and my friend to help translate. Disturbingly, we could see that someone was opening and viewing the messages we sent to Cristina, but there was no response.

I called the main airport information line, asking where Cristina might be, and they said that Customs doesn't share information with them. I found online that the Customs office was one mile away. I got in my car and drove over there, but it was closed for the night.

I desperately called many phone numbers and sent various messages, including to the ACLU and the Spanish consulate in San Francisco. But it was late and everything was closed. At about midnight, I didn't know what else to do, so I went to a hotel near the airport to wait until the Customs office opened in the morning.

I had a restless night wondering what could have happened to my friend. First thing in the morning, I started back up with phone calls. Someone finally answered the number that the border agent had called me from. I told him my story, and asked where Cristina was.

“I have no idea,” he quipped.

“How can I find out where she is?”

The agent told me I needed to talk to administration, but they weren't in yet. I decided to drive back to the



Gorge ICE Resistance protesters outside of NORCOR.

customs office, to try to speak with someone in person. I arrived just as they opened.

Someone there finally told me that Cristina had been denied entry into the country, and had been taken to a “holding facility” to await a return flight the next day in the evening. They wouldn’t tell me where the facility was, but they told me that Cristina had access to a phone and could call if she wanted to.

After more calls and more dead ends, I dejectedly returned to my home in Corvallis. From there, I started reaching out to more people, including someone who said I should call the ACLU of Oregon immigration hotline. Minutes after I called, I received a reply telling me that Cristina was being held in jail at the Northern Oregon Regional Correction Facility (NORCOR) in The Dalles. I couldn’t believe that the “holding facility” was actually a jail. It was worse than I imagined.

I called the jail immediately. They asked if I was a lawyer and I said I was a friend and the only person Cristina knew in the United States.

“We don’t just let friends call up prisoners,” the woman exclaimed.

The jail staffer told me that I’d need to create an online account in order to send a message to Cristina. I got an account, deposited money and sent a message saying, “I finally found you!” It had been approximately 20 hours since her parents or I had been in contact with Cristina.

In all, Cristina was held for 48 hours with the jail



Cristina Alonso, 22, was held for over 48 hours in NORCOR jail after border agents told her she had the wrong visa for her visit to Oregon.

population, though she had committed no crime. She was treated poorly, and denied medical treatment when she requested it. She had no money in her jail phone account and no access to her belongings, so could not call out to family members. Once I found out about the phone account, it took \$130 to send messages and make phone calls over the next 24 hours.

Cristina was taken from NORCOR back to Portland International Airport the next day where she was able to board a plane and exit the nightmare that the United States had been for her.

Even if she had the wrong visa, was sending a 22-year-old college student to jail the only option? They could have released her to me for two days, to be returned to the airport for her return flight. They could have explained the situation to me or her family. They could have provided her with one free phone call. But they did not. If I had not gotten

ahold of the ACLU of Oregon, who finally told me where Cristina was being held, nobody would have heard from her for at least 48 hours.

I would have never believed that this could happen in the United States, let alone in Oregon. But I have learned that ICE operates in isolation and ignores the human rights that I have come to expect as an American. I encourage every Oregonian to protest the expansion of the ICE detentions at NORCOR in The Dalles. I also tell everyone to avoid entering on international flights through Portland International airport, even though it is supposed to be our gateway to the world.

NORCOR JAIL INVESTIGATION

The Northern Oregon Regional Correctional Facility in The Dalles serves four counties; Hood River, Gilliam, Hood River, Sherman and Wasco. The jail is currently holding between five and 30 ICE detainees per day. Last year, the jail brought in over \$500,000 in federal payments for holding Immigrations and Customs Enforcement (ICE) detainees. This year, that number is expected to climb to over \$1 million.

Our investigation into the conditions at NORCOR revealed multiple violations of rights guaranteed to immigration detainees. On September 12, we sent a letter to jail administrators outlining these violations and giving them 30 days to either correct the conditions or stop holding immigration detainees altogether.

DETAINEE RIGHTS VIOLATIONS AT NORCOR:

- interference with access to counsel and the courts;
- inadequate medical care;
- inadequate nutrition;
- denial of religious liberty;
- inability to meaningfully exercise;
- no means of visitation with family and exorbitant phone rates;
- poor hygiene and sanitation;
- and inadequate clothing for cold temperatures.



INTRODUCING *THEY REPORT TO YOU*

The ACLU of Oregon just launched a major, multi-year campaign to reform Oregon's criminal justice system. We want to improve our criminal justice system so it is more fair, just, and effective. But instead of focusing on police departments, sheriff's deputies, or judges, we're focusing on 36 individuals whom most Oregon voters know little about: district attorneys.

District attorneys (DAs) are the most powerful actors in the criminal justice system. Among their many powers, district attorneys decide who gets charged with a crime or who goes free. They decide when youth are charged as adults, and who gets treatment or who goes to jail. It's DAs who decide whether to charge a police officer for misconduct and when to pursue the death penalty.

What we've found out is that Oregonians are largely unfamiliar with the role DAs play, and most of us don't know DAs are elected. Leading up to the launch of our campaign, we knocked on over 15,000 doors in Marion and Washington Counties and talked to thousands of Oregonians about what they want from the justice system and what they know about DAs. More than two thirds of the people we talked to thought district attorneys are appointed not elected.

Public education is one of the core goals of the They Report to You Campaign. And the name of our campaign underscores that in a democracy, elected leaders should be more accountable to voters.

It's understandable that DAs have been flying under our radar. In the past decade, eight out of every 10 district attorney election was uncontested. And when voters don't



Over 100 volunteers joined us for our campaign launch in Beaverton.

have a real choice, many people choose not to vote or pay attention.

Tremendous power, high levels of job security, and low levels of accountability to the public is a very bad recipe for justice. District attorneys have collectively been the largest roadblock to modernizing and reforming our justice system. For example, the legislature passed a range of very important criminal justice reforms this year. The laws are designed to help end law enforcement profiling, reduce unreasonably harsh penalties for simple drug possession, avoid having to open a new women's prison, and create more transparency

By focusing on grassroots mobilization, *They Report To You* has the power to create lasting changes to Oregon's criminal justice system.

The campaign will focus on:

- The lack of transparency in the internal practices and procedures of district attorney offices
- The need to change charging practices to appropriate balance prosecutorial discretion and reduce racial disparity
- The need to create measures that can prevent misconduct, and increase oversight and accountability for improper prosecutorial practices
- The need to create standards, so that the public and community leaders can measure the quality of a district attorney's performance and hold them accountable for their conduct

in the grand jury system. All those victories have one thing in common; the most vocal opposition were district attorneys.

Although we have described DAs as a roadblock to reform in Oregon, we are referencing their collective footprint at the legislature. But DAs also have the power to make positive change and they are not always a unified group. Some are better than others, and some have already taken real leadership on key issues. For example, Deschutes County District Attorney John Hummel supported grand jury transparency reform.

Oregon needs more forward thinking district attorneys. Rather than fiercely defending outdated policies, we need to demand evidence-based, research driven policies from our elected DAs.

That's where our new campaign, They Report to You, comes in. It's a simple idea: make it easier for Oregonians to find out who their DA is, what they stand for, and increase voter engagement with these important elected positions. With more public engagement, we'll ensure Oregon can create a fair and effective justice system for our future.



Learn more and get involved at
www.TheyReportToYou.org

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Fall 2017

UPCOMING EVENTS

Community Forums

We're stopping in cities around the state because we want to hear from you! What issues are you most concerned about?

Eugene

Thursday, October 12 | 5:30 p.m. – 7 p.m.
Unitarian Universalist Church, Sanctuary
1685 West 13th Avenue, Eugene

Ashland

Friday, October 13 | 4:30 p.m. – 6 p.m.
Ashland Public Library, Gresham Room
410 Siskiyou Blvd, Ashland

Thank you Bend, Corvallis, and Astoria for joining us at our community forums earlier this year.

Annual Membership Meeting

Gather with ACLU members to learn the latest about civil liberties and civil rights in Oregon.

Tuesday, November 7 | 5:30 p.m. – 7 p.m.
First Unitarian Church, Sanctuary
1211 SW Main, Portland

2018 Liberty Dinner

Join us at our annual premiere event!
Featuring Angela Y. Davis

Friday, March 9, 2018 | 5:30 p.m.
Oregon Convention Center, Portland

Tickets and sponsorship info online at aclu-or.org/LibertyDinner.

Contact: Shelly Hunter
shunter@aclu-or.org | 503.552.2101



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ACLU OF OREGON

LIBERTY DINNER

Reimagining Justice
FRIDAY MARCH 9 2018 | 5:30PM
OREGON CONVENTION CENTER

TONIGHT, WE RESIST.

Tonight, we honor the work of important leaders among us. Tonight, we reimagine justice. The ACLU's annual Liberty Dinner is your chance to be a part of the resistance and help us build a better future. Join us for an inspiring evening including dinner, auction and keynote speaker Angela Davis for a compelling chance to reconnect with the ACLU of Oregon.

FOR TICKETS VISIT:
aclu-or.ejoinme.org/LibertyDinner2018

FOR QUESTIONS CONTACT:
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or 503-552-2101