

# ACLU Oregon



## SMART JUSTICE

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**PICTURED:** Tristan Romine-Mann, an ACLU of Oregon client brutalized by Portland police at a protest. Learn about our protest lawsuits on page 5. Photo by Lindsay Beaumont.

**NO**  
ON 105 & 106  
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# ACLU

## Oregon

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Fall 2018

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Communications Associate Doug Brown unless otherwise credited.

## FROM THE EXECUTIVE DIRECTOR, DAVID ROGERS



david rogers

I am writing this letter 38 days before the election, and I will admit that I can't quite shake a visceral sense of anxiety given the political landscape.

While I am fighting the instinct to think this may be the new normal, I do take some solace in knowing that I am not alone in this feeling. In talks with ACLU members across the state, I know that many of you have expressed similar sentiments.

Although the rise of Trump's presidency has created an immersive and gloomy cloud that is easy to get lost in, it is important to remember that we can and do have the strongest

impact locally. Critical acts of resistance here in Oregon have had reverberations across the country and sometimes across the world.

In the past two years, we have demonstrated that even in the troubling national landscape, Oregon can be a beacon of hope and win proactive victories. Given the

onslaught of attacks on our communities and our values, it is a mistake to simply move on to the next battle without fully acknowledging what we have already done and won. This newsletter highlights some of our most recent victories such as passing a state net neutrality bill (p. 8), victories for LGBTQ youth in schools (p. 12), and the powerful statewide response to the Trump administration's detention of asylum seekers in the federal prison in Sheridan, Oregon (p. 6).

This unprecedented political moment for our country has also become a transformational moment for the ACLU. Although you will continue to see a strong emphasis on impact litigation and legislative advocacy from

**"Critical acts of resistance here in Oregon have had reverberations across the country and sometimes across the world."**

us, we are now implementing strategies that involve grassroots organizing, elections, and shaping the political landscape.

This election cycle you will likely see some of the ways we are experimenting with strategies and tactics previously untapped by us. By Election Day, we will have reached hundreds of thousands of voters in Oregon with canvassing, phone

banks, mail, and digital education efforts. We believe all of this will be needed given what is on the line.

Unfortunately, Oregon is now neck deep in two defensive, high stakes ballot measure campaigns that will determine the future of immigrant rights and abortion access in our state. The ACLU of Oregon is ALL IN

**"This unprecedented political moment for our country has also become a transformational moment for the ACLU."**

“By Election Day, we will have reached hundreds of thousands of voters in Oregon with canvassing, phone banks, mail, and digital education efforts. We believe all of this will be needed given what is on the line.”

on saying **NO to Measure 105** (an attempt to repeal Oregon’s 31 year old anti-profiling law) and **NO to Measure 106** (an attempt to pass a back door ban on abortion). In order to defeat these dangerous measures, we need to build an army of volunteer activists. Learn more and sign up at [aclu-or.org/voter](http://aclu-or.org/voter).

But even if this November’s election brings critical ballot measure victories and a sweeping new force of more enlightened elected leaders, we will still have intense defensive battles ahead and a tremendous amount of future work to repair the damage. Hopefully, this election will give us a moment where we can collectively breathe a deep sigh of relief, but we must also resist the temptation to think that election results will be the primary answer. Regardless of what happens in November, we should be thinking about what our long-term commitment looks like to bring necessary social change.

Martin Luther King Jr.’s quote, “the arc of the moral universe is long, but it bends toward justice,” can be misinterpreted. We shouldn’t interpret his words as a fatalistic belief that justice is somehow preordained regardless of what we do. MLK’s tireless activism would suggest otherwise. I believe his statement was built on a deep faith in humanity and our ability to persist in the struggle to confront and address injustice. So we must stay in the struggle. It is totally ok to take a rest, and all of us should be thinking about what kinds of self-care we need, but we must also persevere in proactively bending the arc of the moral universe towards justice. It won’t happen on its own.

Finally, I want to once again say thank you, for your support, activism, and commitment. I am regularly inspired by the ways our members and allies are mobilizing, by the strength and savvy of our legislative advocacy, by the impact of our litigation work, the power of our coalition-building, and the ways Oregonians are engaging in advocacy at the grassroots level. Thinking about the growing base of ACLU members and activists is one of the most potent remedies for addressing moments of anxiety about the state of the world. **Together we are building a larger, stronger, and more diverse movement capable of extraordinary things.**

Peace,  
david rogers

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## UPCOMING EVENTS

### NO ON 105 & 106 WEEKEND CANVASSING - PORTLAND & EUGENE

- Volunteer to knock on doors to spread the word about why Oregonians need to vote NO on Measure 105 and Measure 106.
- Sign up at [aclu-or.org/voter](http://aclu-or.org/voter).

### NO ON 105 & 106 WEEKDAY PHONE BANKING - PORTLAND & EUGENE

- Volunteer to make calls urging people to vote against Measure 105 and Measure 106.
- Phone banks held every Monday - Thursday. Shifts available 1 - 4 p.m. and 5:30 - 8 p.m.
- Sign up at [aclu-or.org/voter](http://aclu-or.org/voter).

### MOVIE SCREENING & TALKBACK: SIN NOMBRE

- October 22, 7:30 p.m.
- Hollywood Theatre, 4122 NE Sandy, Portland.
- Talkback featuring ACLU of Oregon Staff Attorney Leland Baxter-Neal and Policy Associate Ricardo Lujan.

### PINTS & RIGHTS - BEND (21+)

- October 26, 5:30 - 7:30 p.m.
- 10 Barrel Brewing, 62950 NE 18th, Bend.

### UGLY SWEATER GIVE!GUIDE PARTY (21+)

- November 8, 6 - 9 p.m.
- Lagunitas Community Room, 237 NE Broadway, Portland, OR
- Suggested donation of \$15 through the Willamette Week Give!Guide.

### MOVIE SCREENING (MOVIE TBD)

- January 31 (time TBD).
- Hollywood Theatre, Portland.

### LOBBY DAY

- February 18
- Oregon State Capitol. See page 9 for details.

### 2019 LIBERTY DINNER WITH LORELLA PRAELI

- February, 22, 5:30 p.m.
- Oregon Convention Center, Portland
- Featuring Lorella Praeli, ACLU National Director of Immigration Policy

For event questions, email [development@aclu-or.org](mailto:development@aclu-or.org) or call 503.227.3186

# LEGAL BRIEFS: A YEAR IN THE COURTS

By Mat dos Santos, Legal Director

## Rights of detained immigrants at the federal prison in Sheridan

*Innovation Law Lab v. ICE; Detainees #1-74 v. Sheridan*

We represent pro bono immigration firm Innovation Law Lab in their effort to provide lawyers for all immigrant detainees held at the federal prison in Oregon. This case emerged from the Trump Administration's decision to move about 1,600 immigrant detainees to federal prisons in five different states, including Oregon.

After numerous attempts to access the prison, we sued on behalf of Innovation Law Lab demanding that detainees be allowed to see attorneys and be represented during immigration proceedings. We succeeded in getting both a temporary restraining order and then a preliminary injunction requiring ICE and the Bureau of Prisons to allow Innovation Law Lab attorneys to access detained immigrants at the facility. Innovation Law Lab has now secured the release of nearly all of the detainees held at Sheridan.

We also filed a friend-of-the-court brief in the



habeas petitions brought by the Federal Public Defender demanding the release of 74 of the detainees due to violations of their First Amendment right to practice their religion and the Religious Freedom and Restoration Act. (Read more about Sheridan on page 6)

*Pro bono partner: Keith Ketterling and Nadia Dahab; Stoll Berne*

## Anti-panhandling ordinance campaign

We sent letters to 61 Oregon cities and towns as part of a national effort coordinated by the National Law Center on Homelessness & Poverty, urging officials to repeal unconstitutional and misguided bans on panhandling in their jurisdictions.

The letters detailed how the existing ordinances violate free speech protections in the Oregon and U.S. Constitutions, explained the moral and practical problems with criminalizing poverty, and suggested compassionate alternatives to these laws. We asked these 61 jurisdictions to immediately stop enforcing anti-panhandling ordinances, to quickly take these ordinances off their books, to dismiss all pending prosecutions or citations under the ordinances, and to develop new approaches that will lead to better outcomes for all of their community members regardless of housing status.

We have begun to hear back from cities and many are taking our request seriously. We have already seen one city repeal their ordinance.

**PHOTOS.** Top left: five of the freed asylum seekers outside the ACLU of Oregon office. Top right: ACLU of Oregon protest lawsuit clients Peggy Zebroski and Tristan Romine-Mann, each brutalized by Portland police at protests in 2017. Bottom left: ACLU of Oregon client Ana del Rocio and her children.

## TriMet enforcement

*State v. Rosa Giovanna Valderrama (Ana del Rocio)*

We represent community leader Ana del Rocio in her criminal case for allegedly providing false information to TriMet officers after she was stopped for fare evasion. This case is focused on the illegal nature of TriMet stops, when officers and fare inspectors lack reasonable suspicion that a crime was committed. A Multnomah County judge ruled in September that detaining people outside of MAX trains without individualized suspicion violated the Oregon Constitution.

*Pro bono partner: Noah Horst and Jesse Merrithew; Levi Merrithew Horst PC*



photo by Mark Pratt-Russum

## Sentencing reform

*Foot v. State; State v. Vallin*

We filed a friend-of-the-court brief with partner organizations, Oregon Justice Resource Center and Oregon Criminal Defense Lawyers Association, in two cases now before the Oregon Supreme Court. These cases flow from the Clackamas County District Attorney John Foote's lawsuit to halt the implementation of a 2017 law (HB 3078) that reduced sentences for some repeat property crimes. The sentence reductions were part of a larger reform bill meant to reduce Oregon's over-reliance on incarceration and invest savings into drug treatment, victim services, and re-entry programs. District Attorney Foote's litigation is an attempt to both push back on much needed criminal justice reform and limit legislative power to adjust troubling sentencing laws passed via ballot measure.

*Pro bono partner: Greg Chaimov; Davis Wright Tremaine*

## ICE enforcement at Courthouses

*American Civil Liberties Union of Oregon, Inc. v. U.S. Department of Homeland Security*

We sued Immigration and Customs Enforcement (ICE) for failing to respond to our Freedom of Information Act (FOIA) request about its actions in and around courthouses in Oregon. After months of back and forth, the judge in this case has ordered ICE to produce the 29,000 pages of documents to us over the next several months. These documents will provide much needed transparency into the secret operations of courthouse arrests by ICE.

## Rights of transgender students in Oregon school districts

*Parents For Privacy v. Dallas School District*

(See page 12 for details.)

*Pro bono partner: Darin Sands, Kelsey Benedick and Peter Hawkes; Lane Powell PC*

## Rights of protesters

*Haber v. City of Portland; Zebroski v. City of Portland*

*Haber v. City of Portland* is a federal class action on behalf of hundreds of people illegally detained by law enforcement at a protest in downtown Portland in June of 2017. The case alleges that Portland police engaged in an unconstitutional stop of protesters and bystanders when they surrounded and "kettled" nearly 400 people on a city block in downtown. Law enforcement did not release people from the kettle until they had photographed and identified them.

We also brought several individual state law cases against the City of Portland on behalf of a number of protesters who were brutalized by police officers. These cases, including *Tristan Romine-Mann v. City of Portland*, span nearly 9 months of protests in Portland where law enforcement officers had a disproportionate and violent response to peaceful protest. Tristan was subject to excessive force when he was arrested. Police knocked him to the ground with a bicycle and then, when he was already restrained, sprayed his face with pepper-spray in point blank range..

*Pro Bono partner: Steven Wilker and Sarah Einowski; Davis Wright Tremaine*



photo by John Rudoff



photo by Lindsay Beaumont



photo by Lindsay Beaumont

# SHERIDAN: WHAT HAPPENS WHEN OUR COMMUNITY COMES TOGETHER

By Mat dos Santos, Legal Director  
& Stephen Manning, Innovation Law Lab Executive Director

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In late May 2018, the Trump Administration imprisoned Karandeep Singh, and hundreds other men like him, because he had fled to the United States to seek asylum. The administration's goal, as President Donald Trump tweeted, was to "immediately, with no Judges or Court Cases bring them back from where they came."

Mass imprisonment and rapid deportation are supposed to be the new norm because, according to the president, immigrants "are animals." The Trump Administration is actualizing its immoral and unlawful plan to deport immigrant communities of color en masse. Immigrants with legitimate asylum claims are being deported faster and in larger numbers than we've seen before.

Like more than 120 other asylum seekers, the administration locked Karandeep in a federal prison in Sheridan, Oregon, denied him access to lawyers - and therefore the law - and then was going to immediately deport him in spite of his legitimate claim to asylum. That was supposed to be it.

But, exactly 90 days after he was thrown in prison, Karandeep was freed from his cell in Sheridan to fight his asylum claim outside the electrified confinement of immigrant detention.

## How did Karandeep get out of Sheridan?

Oregonians came together to provide necessary support for these asylum seekers in the best ways we each know how. We came together in the courts, on the streets, in the headlines, in our community, fighting for these men on both sides of Sheridan's walls.

Grassroots organizations working within the **Rights Architecture in Oregon** deployed their best strategies, with their best hearts, and their clearest thinking to collectively defend Karandeep and all the men immorally imprisoned in Sheridan in order to build sustainable, inclusionary pathways for Oregon and everywhere.

**Unidos Bridging Community, the Interfaith Movement for Immigrant Justice (IMIrJ), the Rural Organizing Project (ROP)** and others built solidarity outside the detention center with everyone inside the detention center through vigils, marches, and public manifestations of connection, support, and hope. These actions kept what was happening in Sheridan in the headlines and in public consciousness, letting the men know the community supports them and letting the government know that their actions don't align with Oregon's values.

**Asian Pacific American Network of Oregon**



RELEASED: Advocates and recently-released asylum seekers pose for a photo outside of the ACLU of Oregon office.

(APANO), **Causa**, and others activated a massive network of volunteers to engage in the challenging and vital work of defending everyone in detention so that no one was forgotten.

The **ACLU of Oregon** - in collaboration with attorneys from **Stoll Berne** - as well as the **Federal Public Defender of Oregon** broke open the Trump Administration's attempt to isolate Karandeep and others from the law by fighting the government in federal court. The successful lawsuit finally paved the way for the asylum seekers to have access to attorneys from **Innovation Law Lab**.

APANO, ROP, Unidos, and the newly-formed **ICE out of Sheridan** group established a special post-detention respite network to provide a welcoming environment and transportation from the doors of the detention center to a safe, sheltered, dignified space, allowing the men to recover from detention and build plans for onward travel to their family and sponsors.

This crucial support network engaged several religious organizations, like the **Dasmesh Darbar Sikh Temple to St. Michael & All Angels Episcopal Church**, and dozens of community members.

And **Oregon Ready**, a statewide coalition of community organizations, collectivized attention on developing a lasting policy resolution to end asylum-seeker incarceration at federal prisons.

Karandeep's journey is only partially complete. And many more immigrants of color are still confined within Sheridan and other facilities around the country. Yet when Karandeep walked out of Sheridan on August 21, he won an important victory in the long journey to protect the rule of law.

Stay informed about civil liberties in Oregon at [aclu-or.org](http://aclu-or.org)

# MEET OUR NEW STAFF MEMBERS

Since the election of Donald Trump, our membership in Oregon has grown by an astonishing 600 percent. Because of your increased support, we have been able to add new positions to our team over the past year, strengthening all aspects of what we do at a critical time in our history. We are proud to introduce some of our new staffers!



**Jose Méndez** joined us in December as our first **operations and fiscal manager**, working to improve our operations management and enhance our already existing fiscal policies. Jose is from Guatemala and graduated

from the Korean Development Institute in Seoul, South Korea. He was previously the operations and finance manager at the Oregon Latino Health Coalition, a nonprofit dedicated to promoting health and wellness for our state's Latinx community.



**Doug Brown** was hired as our first **communications associate** in February. He helps with social media, media relations, photography, design, and more. Doug was previously a reporter for the *Portland Mercury* - where he

covered the criminal justice system, social justice issues, local politics, and other topics - and a staff writer for *Cleveland Scene* magazine. He grew up in Michigan and graduated from Hiram College and Kent State University.



**Krystal Bosveld** is our first ever **paralegal**, becoming the third member of our full-time legal team in March. A Wisconsin native and graduate of Smith College, Krystal is a highly skilled paralegal with extensive experience in civil

litigation who makes sure our legal effort runs as smooth as possible. Prior to coming to the ACLU of Oregon, she worked for law firms in Massachusetts, Chicago, and Portland.



**Ricardo Lujan** joined us in June as our first **policy associate**, and he's been hard at work to ensure civil rights and civil liberties are at the forefront of the upcoming legislative session. A native of Netzahualcoyotl, Mexico, and a

graduate of Southern Oregon University, he was previously the legislative director and a board member of the Oregon Student Association and held important positions with Unite Oregon.



**Leland Baxter-Neal**, an immigration law specialist, became the fourth member of our legal team in June. Leland is originally from Eugene and graduated from the Lewis & Clark Law School. He previously worked for

Immigrant Defense Oregon, a project at the Metropolitan Public Defender, representing people in deportation proceedings and working with detained unaccompanied minors.



**Kate Gonsalves** joined us in August as **field director**, and she's organizing people to fight against the anti-immigrant and anti-abortion ballot measures for November. Previously, she was the political director of the Oregon Justice Resource

Center after serving as the political coordinator of Our Oregon. She is a graduate of Portland Community college, San Francisco State University, and the University of British Columbia.



**Yvonne Garcia** also joined us in August as an **individual gifts officer**, a new position for our development team. An experienced and socially-conscious fundraiser, she comes to us from the Columbia Land Trust, where

she managed a large portfolio of mid-level and major donors for the environmental conservation organization. Yvonne graduated from Arizona State University.

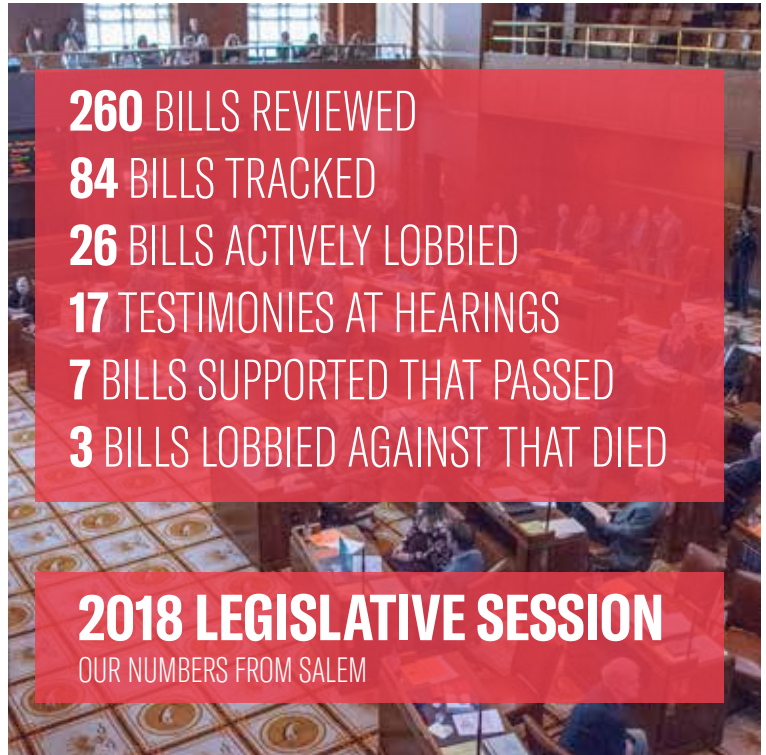
# 2018 LEGISLATIVE SUMMARY

By Kimberly McCullough, Policy Director

The Trump administration is extremely hostile to many of our most closely-held values of fairness, freedom, and equality. While this can be disheartening, it also makes our state-level policy work more important than ever. We can still take steps forward here in Oregon.

The 2018 legislative session was an action-packed monthlong session, with several significant civil rights and civil liberties victories coming out of Salem. Thank you to everyone who contacted their legislators, came to our Day of Action, rallied at the capitol, or otherwise made their voices heard about what they want to see come from our state government!

Thanks to the generosity of our supporters and donors, our presence in the state house will be greater than ever before. This spring we added Ricardo Lujan a talented policy associate, to our team (see page 7), and we've contracted with a civil rights lobbyist to join us in Salem. But before we look forward, let's take a look at what happened this year in Salem!



Fall 2018 ∞



**SIGNED:** Gov. Kate Brown signed the net neutrality bill into law in April at a ceremony at Portland's Mount Tabor Middle School.

## **VICTORY:** Net neutrality

When President Trump's FCC gutted net neutrality regulations, we knew we had to do something. Without net neutrality, our rights and the vitality of the internet are threatened, allowing internet service providers (ISPs) to use their gatekeeper position to speed, slow, or block communication and services on the internet based on who can pay, who they disagree with, or for any other reason. Equal access to the internet is crucial to free speech and democracy.

We worked hard with our allies to pass a bill to help protect net neutrality in Oregon. House Bill 4155 requires Oregon agencies to only contract with ISPs that provide net-neutral internet service to all of their customers. Consumers can then find out who those providers are and choose to get service from ISPs that are actually providing open internet access service.

Oregonians should be proud that we were the second state in the country to take action on net neutrality through its legislature. We acted at light speed to protect the right to a free and open internet.



## VICTORY: Plea & jail release agreement waivers

House Bill 4149 addresses harmful and unjust waivers of rights that some Oregon district attorneys (DAs) have included in plea agreements and jail release agreements.

As introduced, the bill prohibited DAs from requiring defendants to waive a broad range of constitutional and procedural rights, along with the right to access crucial programs created by the legislature, in plea and release agreements. Because of the short session, the bill was amended down to only include a portion of its original content. What remained, however, was an important step in the right direction.

In its final form, the bill prohibits the requirement that a criminal defendant waive their right to appear at trial as a condition of release from jail. The right to be present at trial, where our liberty and substantial rights are at risk, is an essential part of the due process of law required by the Constitution. Waivers of those rights strike at the due process in our justice system.

## MORE VICTORIES

- We supported a successful bill that improves **Oregon's tuition equity laws**, removing the unnecessary requirement that our state's DACA recipients (Dreamers) apply for an individual tax identification number to qualify for in-state tuition. The improved law also allows schools to offer Dreamers scholarships and financial aid.
- We supported a successful bill that **eliminates a harmful practice in civil litigation that reinforces racial discrimination and wage gaps**: the use of tables that take race into account when calculating future earning potential for damage awards.
- We supported a successful bill that creates a court process to **reunify families and prevent children from aging out of foster care**. Under previous law, a parent's rights may never be reinstated after termination, even if the child has not been adopted and the parent has made all of the positive changes necessary to create a safe and healthy home for their child.
- We also fought against two bills that would have imposed legal restrictions on abortion. Neither of the bills reached the hearing stage of the legislative process and were soundly defeated.



**DAY OF ACTION:** ACLU of Oregon activists visited the capitol building in February to talk to lawmakers

## LOOKING FORWARD

Although the 2018 legislative session was a success, it left some unfinished business. For example, as a member of Voice for All Oregon, we advocated for a bill that would have established a small-donor funded elections program to enable candidates for state office to receive a 6-to-1 match on small-dollar donations. We are continuing to participate in the coalition's efforts to pass public financing legislation and will try again next session.

For the upcoming 2019 legislative session, our priorities include juvenile justice reform, privacy protection, and immigrant rights.

### SAVE THE DATE – 2019 LOBBY DAY!

Join ACLU of Oregon staff and supporters in Salem on Monday, February 18, as we spend Presidents Day meeting with and talking to lawmakers about the civil rights and civil liberties we want to see addressed in the legislative session.

Because freedom can't protect itself.

# ACLU Oregon

# VOTERS' GUIDE

The ACLU of Oregon reviews all state ballot measures and takes positions on those that would have an impact on civil liberties and civil rights. This year we have two important recommendations for the 2018 statewide November ballot; **NO on 105** and **NO on 106**. Additionally, we sit on the executive committees of both No campaigns, Oregonians United Against Profiling and No Cuts To Care, playing an active role in the fight against these measures. We are strictly non-partisan and never support or oppose candidates for elective office. We have a long history of participating in ballot measure campaigns that affect civil liberties in Oregon.



photo by Kenton Waltz

# VOTE NO ON MEASURE 105

Thirty one years ago, Oregon legislators came together across party lines to pass what is now known as Oregon's sanctuary law. The law prohibits the use of local resources in the enforcement of federal immigration law. It was passed to address racial profiling of people perceived to be immigrants, and to keep local police focused on local issues. The law has been working as intended, and is one of the ways that our state has tried to distinguish itself as place where all people are treated fairly.

Without the protections and guidance in the current law, Oregon could become a "show me your papers" state, where people are singled out by police based on the color of their

skin, their accent, or their perceived immigration status.

**We encourage all of our members to VOTE NO ON 105 to keep this law in place.**

An Oregon-based anti-immigrant group, Oregonians for Immigration Reform (OFIR), with the full support of our country's white nationalist network, placed measure 105 on the November ballot with the goal of eliminating the law.

If Measure 105 passes, it could open the door to racial profiling and families being torn apart, simply because someone is perceived to be an undocumented immigrant. Local police could become another arm of President Trump's deportation force. When police act as federal immigration agents, community trust is degraded. Immigrants and those perceived as immigrants will be discouraged from coming to the police for help, reporting crime, or acting as witnesses.

The ACLU of Oregon and national ACLU are part of a broad coalition of over 450 law enforcement leaders, labor unions, businesses, faith groups, and civil rights groups to say NO on Measure 105.

## A NO VOTE ON MEASURE 105 WILL KEEP THE LAW IN PLACE, ENSURING THAT:

- Local police personnel, funds, equipment and facilities are not used to pursue and detain people based solely on suspicions about their immigration status.
- Oregonians cannot be stopped, detained or interrogated just because someone thinks they might be an undocumented immigrant.
- Local police can continue to hold people accountable, including both immigrants and non-immigrants, if they commit crimes and harm our community.
- Oregon taxpayer money will be kept in our communities and won't be diverted to do the job of federal law enforcement.

# VOTE NO ON MEASURE 106

Every woman in Oregon must be able to decide whether and when to become a parent. Measure 106 is a backdoor ban on abortion that restricts a woman's access to a safe abortion based on how much money she has or how she is insured. A right is not a right if you can't afford to access it.

Measure 106, a constitutional amendment, would reduce access to health care, particularly for the most vulnerable people who already face significant barriers to receiving high-quality care. An estimated 250,000 women of reproductive age receive health care through the Oregon Health Plan. Under Measure 106, these Oregonians will no longer have

access to the full range of reproductive healthcare they need.

Measure 106 would also have a disproportionate effect on teachers, nurses, firefighters and thousands of other public service members whose public employee health benefit plans would no longer be able to cover abortion services.

Measure 106 was put on the ballot by a fringe anti-abortion extremist group called Oregon Life United. Oregon Life United is out of step with Oregon voters, who have twice voted "no" on this type of ban. These extremists claim their measure is about who pays for abortion but the wording of their measure belies their true goals. This poorly written measure claims an exception for "medically necessary" abortions but doesn't say who gets to decide what "medically necessary" means. It hands this important decision over politics, not medical professionals.

Over 70% of Oregon voters believe

women should have access to the full range of reproductive health care, starting with preventative care and continuing through postpartum care.

Women deserve access to the full range of reproductive health care, including abortion. We should trust women to make personal medical decisions like when or whether to choose adoption, end a pregnancy, or become a parent. This right to healthcare is the foundation of freedom and opportunity for individuals and their families. No one should be denied care because of how much they make or how they are insured.

The ACLU of Oregon and the national ACLU encourage our members to vote NO on Measure 106. With threats to Roe v. Wade stronger than ever, we must hold the line in Oregon by fighting back against extremists who want to cut access to care.

## ACLU VOLUNTEERS NEEDED

Volunteers are needed to make phone calls, knock on doors, send post cards, and host parties to make sure everyone knows to say NO to Measure 105 and Measure 106. Find a volunteering opportunity at [aclu-or.org/voter](http://aclu-or.org/voter).

# STICKING UP FOR OREGON'S LGBTQ YOUTH

By Mat dos Santos, Legal Director

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Every LGBTQ student deserves and is legally entitled to a safe learning environment. Yet, throughout Oregon, the rights of LGBTQ students have come under attack, subjecting students to heartbreaking treatment

But thanks to the courageous students who came forward to say enough is enough, we successfully defended the rights of these kids.

Last fall, a small group of parents in Dallas, Oregon, filed a meritless lawsuit against the **Dallas School District** and other state and federal officials attempting to end the district's policy that protects transgender students from discrimination when using facilities like bathrooms and locker rooms at school.

In February, the ACLU, ACLU of Oregon, and Basic Rights Oregon (BRO) joined forces to stop the lawsuit and defend our state's transgender students. We filed a motion to intervene and a motion to dismiss the case on behalf of BRO, the state's largest nonprofit LGBTQ advocacy group. We then brought in ACLU staff attorney Gabriel Arkles to argue in front of a federal judge about why the case should be tossed.

And we won!

In July, a federal judge sided with us and BRO, wholly rejecting the claims made by the small group of Dallas parents. The court found that Oregon's public schools are not only permitted, but required, to treat transgender students equally under the law.

But there's no resting in the fight for LGBTQ rights. In the middle of the Dallas lawsuit, we became aware of a heartbreaking discrimination case out of a high school on the Oregon coast.

A professor at Willamette University College of Law reached out to our office for help on a case her student-run legal clinic had been working on. Professor Warren Binford said it one of the worst discrimination cases at a school she had seen in Oregon.

LGBTQ students at **North Bend High School** were routinely harassed, threatened, bullied, and assaulted just for being who they are. And when these students turned to school authority figures to protect them, administrators, teachers, and staff ignored their pleas for help. Instead they told one of our clients she was going to hell for being gay, subjected LGBTQ students to harsher discipline than their straight peers, and equated homosexuality with bestiality. We also learned that both LGBTQ students and straight students have been forced to recite Bible passages as a punishment.

Liv Funk and Hailey Smith, our fearless clients, bravely came forward with their stories about what happened at North Bend and we helped take this



Top left: Sutherlin Sophomore, Tyler. Bottom left: Former North Bend Students Liv Funk and Hailey Smith.

important case across the finish line to make sure it doesn't happen to anyone.

In May, we reached a sweeping settlement with the district that removed North Bend High School's principal and requires the district to work with us to develop policies and training to prevent future discrimination. The district will also be under Oregon Department of Education Supervision for five years.

And in May, also in the middle of the Dallas lawsuit, a student at **Sutherlin High School** in Douglas County filed a lawsuit against the Sutherlin School District, its superintendent, the high school principal, and others, claiming transgender students shouldn't be allowed to use restrooms consistent with their gender identify because it made him "feel very uncomfortable."

The gross and mean-spirited lawsuit singled out a 15-year-old transgender student by name, while consistently and intentionally misgendering him. As soon

as we learned about it, we knew we had to defend his rights.

That brave transgender student, Tyler, became our client and wrote on our website about his experience as a trans youth in a small town, and how he never backed down to anybody trying to take away his rights and he wasn't going to back down now.

In August, the Sutherlin plaintiffs dropped their case, citing our recent federal court victory in the Dallas case. The law is unequivocally on the side of students to be safe and respected in school.

We will continue to fight these harmful lawsuits and attacks against LGBTQ students in Oregon. That kind of discrimination has no place here. All students deserve a safe and accepting learning environment, regardless of gender identity or sexual orientation.

## HONORARY & MEMORIAL GIFTS

A meaningful way to honor many life events

### GIFTS CELEBRATING A LIFE WHILE MOURNING A LOSS

#### IN MEMORY OF FROM

**David Hepburn Milton**  
Mary Erbaugh and Dick Krause

**George Dunn**  
Candace and Doug Morgan

**Jake Tanzer**  
Vida Lee Edera

**Jim Johnston**  
Vida Lee Edera

**John Wilson Billington**, Attorney at Law  
Evelyn Billington

**Kathryn Norris**  
Martin Mendelson

**Lloyd Anderson**  
Fredrick Ross and Aaron Creurer

**Mark McKee**  
Donna Johnson

**Marthaleah & Stanley Zaklan**  
Janet Wetzal

**Stanley Laklan**  
Kay Bristow

**Thomas J. Sloan**  
Michael Emmett Carlisle

**Mike Katz**  
Jerry and Lisa Eckstein

**Thomas J. Sloan**  
Arnold and Eva Labby

**Ralph Salisbury**  
Karen Locke

**Thomas J. Sloan**  
Susan and Craig McDowell

### GIFTS HONORING ANOTHER'S DEDICATION TO CIVIL LIBERTIES

#### IN HONOR OF FROM

**Adam Murdoch**  
Joel Selling

**Allan Burdick**  
Arnold and Eva Labby

**Amy Koski**  
Anne Ellis

**Andrew Weber**  
Peggy Brockamp

**Anne Marie Gonczy**  
Arlene C. Murdoch

**Ashleigh Adams and Kelly Burns**  
Jerry Eckstein

**Barbara and Stuart Lang**  
Sara and Missy Furlette-Koski

**Barbara Steiner**  
Ronald Weber

**Barry Caplan**  
Teresa Gonczy O'Rourke and Brian O'Rourke

**Bob Hermanson**  
Judy and Harvey Levine

**Breana Satterfield**  
Barbara Lang

**Brian Forrester**  
Brandon and Samantha High

**Bridget Fischer**  
Linda Ostomel

**Carolyn Shanahan**  
Mary Larkin

**Charles Merten**  
Susan Weinstein

**Chris Bateman**  
Andy Nelson and Kathy Gorman

**Cory Streisinger**  
Mark Naylor

**Crystal DeFrang**  
Ryan Shanahan

**David Fidanque**  
Owen Blank

**Dawn and Eddy Seeberger**  
Arlene C. Murdoch

**Denise Ruttan and Jim Cameron**  
Daniel Adatto

**Dr. Katherine Zeller**  
Patrick Flynn and Crystal DeFrang

**Dunn Family**  
John Engstrom

**Elissa Mantalas**  
Joan Seeberger

**Elizabeth McBride**  
Timothy Ruttan

**Erious Johnson**  
William Beebe and Rosalie Beebe Ayora

**For the Zellers family**  
After Dark Cookies

**Foster Nostrand and Stephanie Willard**  
Rachel Murphy

**Freeman and Sue**  
Katherine and Lynne Harris

**George and Saraliz Christoph**  
Molly H Colburn

**Henry Monahan**  
Carly Sertic

**Jack Cox**  
Erika and Rich Meyer

**Jann Carson and Kathleen Hagberg**  
Megan Bledsoe

**Jeanette Ewald**  
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**Jeff Richards**  
Angelle Hardesty

**Jen Dugger**  
Kristin Siess

**Jennifer Cahill and Joan and James Leigh**  
Andrea Meyer

**Karen Schmeer**  
Karen Jones Jackley

**Kathryn Kirstein**  
Jordan and Sarah Huppert

**Kelly and Brian Casey**  
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**Lexi Stern and Holly Duthie**  
Sarah Crisp

**Louise Carroll**  
Joan and Mike McAllister

**Louise Carroll**  
Kerry Kirstein

**Luke Hammar, Louis Goeschl, Mike Olson, Ed Carr**  
Ken and Ann Edwards

**Maggie Richardson**  
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**Marty Toney, Rowan & Gracen Brakke-Pound**  
Dennis Spivack

**Melica Ellerbrook**  
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**Michael and Ruth Feldman**  
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**Michael Snyder**  
Keith and Amy Feldman

**Michael Wilcox**  
Erin Severe

**Mike and Charlotte Kocher**  
Jay and Mary Renaud

**Ned Jaquith and Rex, Oggie and Foxy**  
Tonya and Mark Jones

**North Bend High School**  
Nancy Oberschmidt

**Patricia and John Blessington**  
N Gale Wallis

**Paul Meyer**  
Patricia Heneghan

**Pearl**  
Jackie Matthews

**Robert Walker**  
Mike Marshall

**Ronald Hoover**  
Maria Hein and Kermit McCarthy

**Rosemary Cohen**  
Rebecca Cohen

**Rudd Canaday**  
Karen Rose and Rudd Canaday

**Rustam and Efti Kocher**  
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**Sarah Crow**  
Andrew and Morgan Knapp

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Mark Naylor

**Steve Tice**  
Irwin Noparstak

**Students Against Gun Violence**  
Annika Mayne

**Sue Gilliam, Anne Brandon, and Ben Brandon**  
Britta Dedrick and Tim Brandon

**Theresa Deibele**  
Francine Stern

**Theresa Deibele**  
Eve and Alan Rosenfeld

# SMART JUSTICE IN OREGON

By david rogers, Executive Director  
& Daniel Lewkow, *They Report To You* Campaign Manager

## Building grassroots power for criminal justice reform

The ACLU Campaign for Smart Justice is an unprecedented, multiyear effort to reduce the U.S. jail and prison population by 50% and to combat racial disparities in the criminal justice system. Here in Oregon, we are engaging in this work with a cutting-edge district attorney accountability campaign, *They Report to You*.

Oregon has 36 elected district attorneys (DAs) and they are the most influential actors in the state's criminal justice system. Traditionally, DAs measured their own success primarily on conviction rates and sentence lengths. This has resulted in a system not focused on justice and safety, but one in which mass incarceration and racial disparities are perpetuated, while our prison spending balloons.

*They Report to You* seeks to educate Oregonians about the power that district attorneys wield, and to mobilize and activate voters to demand that district attorneys change their policies and practices to create a more fair and just criminal justice system for everyone. Through multifaceted approaches, we are raising and shaping the profile of the role of district attorneys in our state.

## Elections

District attorneys are elected officials who run every four years. In May, district attorney candidates in sixteen counties ran either for re-election or for an open seat. Washington County had two candidates running in its district attorney (DA) race—its first contested race in 46 years! And Marion County had its first open seat in fourteen years.

Our campaign provided voters with information about these important elections. We gave presentations about the DA's role to the public. We provided voters with side-by-side comparisons about the candidates' positions on criminal justice issues in Washington County. And in both Washington County and Marion County, we partnered with local organizations to organize open forums so that the public could meet their DA candidates, ask them tough questions, and learn what they would do if elected.

Although we are a non-partisan organization and don't



**Washington County DA Forum:** Daniel Lewkow (left) and david rogers (right), joined by Jenny Lee, Coalition of Communities of Color advocacy director (middle left), and Shujat Qalbani, Unite Oregon criminal justice policy director.

endorse candidates, we will continue to strengthen our work ensuring that voters have better information about DA races that have historically flown under the radar. 2018 was our first engagement in this area and expect us to be much more involved in 2020.

## Influencing District Attorney Budgets and Performance Measures

Although district attorney budgets may seem like a sleepy topic, they can also be an important source of leverage for change in an office that has so much unchecked power. This past spring, we unveiled substantive critiques of the Multnomah County DA's budget and the performance measures built into it. Although we are beginning in Multnomah County, this work will unquestionably shape our statewide work.

On any given year, well over 10,000 people directly interact with the Multnomah DA's office in ways that can fundamentally change their lives for the better or worse. The policies, priorities, and structure of the DA's office can be the difference between whether or not crime victims get to access to critical services, whether or not young people are held accountable in a way that protects their future life-possibilities, or whether people of color are treated fairly.

We developed in-depth analysis on why the performance measures in the DA budget are entirely insufficient, don't represent the values of the county, and provide the wrong information to seriously assess the

work in the DA's office. This strategy is connected to one of the goals of our *They Report to You* campaign: to meaningfully reframe how the public defines the role and expectations of district attorneys.

There was tremendous support and excitement from allies and community groups around this effort, and nine influential groups joined us in advocating to the County Commission on the need for change. Although this work is in the nascent stages, it shows a great deal of potential. You can read analysis of our in-depth memo and joint advocacy letter on our blog, "The District Attorney Budget: Dollars, Sense, and Reform, on our website."

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## Challenging the Oregon District Attorneys Association

Finally, this August we called out racism in the Oregon District Attorneys Association (ODAA). The ODAA is the central coordinating organization for Oregon's 36 district attorneys.

At its summer conference, ODAA brought Bob McCulloch, the chief prosecuting attorney from St. Louis County, Missouri, as a presenter and keynote speaker. McCulloch is infamous for failing to prosecute the police officer who shot and killed Michael Brown, a young, unarmed African American man. The Ferguson shooting ignited a national movement to stop police violence. Furthermore, McCulloch ignored and perpetuated prolific racial discrimination for decades in St. Louis County's justice system much of which has been the focus on national media coverage. No wonder that voters turned him out of office this year. Yet the Oregon District

Attorneys Association still invited him to be their keynote speaker.

It should have been no surprise when McCulloch's presentation was racially charged and offensive. His remarks reinforced racist stereotypes, painting Black men as criminals, while he also took scathing shots specifically at the ACLU and other groups working on criminal justice reform. Two district attorneys strongly criticized McCulloch's remarks, and Deschutes County DA John Hummel criticized the decision to honor him as a keynote speaker. But when the story broke, the ODAA President, Matt Shirtcliff from Baker County, doubled-down on ODAA's support of McCulloch's speech and presence. Over 1,300 people reached out through our action alert to the Oregon District Attorney Association president and executive director to tell them that bigotry is not an Oregon value. We are sending a strong message that the public is paying attention and we intend to hold these powerful law enforcement leaders accountable.

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## Looking Ahead

While the public has embraced criminal justice reforms to curb our overreliance on incarceration and to address racial disparities, district attorneys have often been a roadblock in Salem. In 2019, we will enter a new phase with *They Report to You*, mobilizing our broad membership in the state legislature in support of smart reforms. To get involved, visit [TheyReportToYou.org](http://TheyReportToYou.org) and please plan to join us at our Lobby Day at the state capitol building on February 20, 2019.

# BOARD OF DIRECTORS NOMINATIONS

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



**Patti Louie**  
Portland



**Jennifer Middleton**  
Eugene



**Heldá y de la Cruz**  
Portland



**Katherine McDowell**  
Portland



**Lamar Wise**  
Hillsboro



**Chanpone Sinlapasai**  
Portland

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](http://www.aclu-or.org/BoardElection) to increase voting accessibility and to save on paper, printing, and mailing costs.

Voting will open on November 5 and all votes must be cast by 5 p.m. on December 3. 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](mailto:info@aclu-or.org) or call 503.227.6928 x102.*

**Online voting opens November 5**

Read candidate bios and cast your ballot online at [aclu-or.org/BoardElections](http://aclu-or.org/BoardElections)

photos courtesy of board candidates

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