

Civil Liberties News

Summer 2011

KNOWLEDGE



IS POWER

Newsletter of the Civil Liberties Defense Center



New Chapter for CLDC

BY RALPH TEMPLE, CHAIR

In April the Civil Liberties Defense Center established its third chapter in the Pacific Northwest, comprised of dedicated volunteers in the Rogue Valley of Southern Oregon.

At a press conference in Medford, CLDC Director Lauren Regan and the new Southern Oregon Chapter Board announced their vision to work together to “protect citizens’ civil liberties through educational outreach, investigations, policy reform, and legal assistance.” The event received coverage by the *Medford Mail Tribune* and two Medford TV stations.

Chapter Chair Ralph Temple, long-time attorney and activist, said, “Teaming up with Lauren Regan and the CLDC offers Southern Oregon a new resource to advance civil liberties. CLDC has an outstanding track record of successes over the past eight years, both locally and nationally, and have attracted a talented team of volunteers around the region.”

The 11 founding board members reside in Jackson County and were formerly active with the ACLU of Oregon. They include Mike Baughman, Shaktari Belew, Cate Hartzell, Ann Macrory, Bill Mansfield, Julie

Norman, Steve Ryan, Ralph Temple, Derek Volkart, Shiana Walker, and Gary Wood.

The group already has teams in operation with an array of talents. Recent successes and ongoing civil liberties action projects include:

- investigating practices in the Jackson County Jail,
- winning the reversal of a ban on leaf-letting at the Ashland Post Office,
- negotiating improvements in rules for public demonstration in Medford,
- successfully opposing minimum mandatory city fines in Ashland,
- pursuing a federal class action suit challenging the Secret Service’s treatment of peaceful demonstrators at a Jacksonville protest of President George Bush, and
- educating about homeless issues to the public and Ashland City Council.



Mt. Ashland

Report on June 11 International Day of Solidarity

BY JEFFREY “FREE” LUERS

Today is a sad day for me because I continue a legacy that started with me, but sadly does not end there. June 11, 2001, was the day I was sentenced to 22 years and eight months in prison. It is a day that forever changed both my life and the life of this struggle.

Rather than collapse under the weight of the state’s repression, we rose. It took time. It took years actually, but in 2004 my support group and I organized the first annual International Day of Solidarity focused on me, Jeffrey Luers. (It always feels weird to say that.)

Forty-eight cities in a dozen countries spread across four continents held solidarity events and actions demanding my release. Those numbers held true the next year and the year after that.

In 2006, the hammer really fell. What started with the arrests of my co-defendant and myself, spread to radical communities across the nation. To this day, the FBI is actively hunting down eco-saboteurs and activists both underground and above. We have numerous of our people in prison today: Marie Mason, Eric McDavid, Daniel McGowan, Nathan Exile Block, Joyana Sadie Zucker, Grant Barnes, Michael Skyes, and Steve Murphy.

This June 11 marks the first International Day of Solidarity with Eric McDavid, Marie Mason, and all our long-term anarchist political prisoners. We honor them, support them, remind them that they are not forgotten, and most importantly, demand their release.

June 11 is a reminder to us that though we spend our days outside of a prison, many of our friends and allies spend theirs behind bars having sacrificed what little freedom they had to fight for something greater than themselves. We have a responsibility to them and to ourselves to struggle and fight until all are free.

I may no longer be imprisoned, but I cannot and will not rest until my friends are back home with their families and our struggle for Earth, animal, and human liberation is successful.

We must free our political prisoners and prisoners of war.

Write to: Eric McDavid 16209-097, FCI Victorville, Medium II, Federal Correctional Institution, PO Box 5300, Adelanto, CA 92301, and Marie Mason 04672-061, FMC Carswell, Federal Medical Center, PO Box 27137, Fort Worth, TX 76127.

CLDC Wins Initial Victory

BY REBECCA SMITH, BOARD MEMBER
AND COOPERATING ATTORNEY

On June 7, 2011, CLDC won an initial victory in an ongoing lawsuit against the Eugene, Oregon Police Department for falsely arresting, illegally searching, and injuring a local environmental activist in Eugene in 2009.

Josh Schlossberg was sitting behind a table on a public sidewalk outside Umpqua Bank on March 13, 2009, handing out leaflets to passersby. He was participating in a campaign to encourage bank customers to divest from Umpqua Bank due to its connection to environmentally destructive land management activities. Although Schlossberg had already discussed the situation with one Eugene police officer who agreed that he was not breaking any laws, a second Eugene police officer, Bill Solesbee, arrived on the scene and ordered Schlossberg to leave. Schlossberg gave Solesbee notice that he was recording their interaction and began to record with a camera held in front of his chest. (The video recording of this event is available online at <http://www.youtube.com/watch?v=rVyt4e5SNeM>.)

Solesbee made various misstatements of law to Schlossberg, and Schlossberg finally disputed that the statements were accurate. At that point,

Solesbee asked whether Schlossberg was recording him. Schlossberg said yes and then, without any warning, Solesbee grabbed Schlossberg and threw him to the ground, forced his head against the sidewalk, and shoved a knee in his neck. Solesbee had not yet even informed Schlossberg that he was under arrest. Solesbee then handcuffed Schlossberg and turned Schlossberg's camera on to view the contents. Solesbee had never asked for consent to search the camera without a warrant.

Solesbee argued that Schlossberg had resisted arrest and violated the Oregon state law against secretly recording people without notice. The district attorney refused to prosecute the charges. CLDC then filed a civil lawsuit for Schlossberg against the Eugene Police Department and Solesbee to seek redress for the violation of his civil rights. The lawsuit argues, in part, that Solesbee falsely arrested Schlossberg, illegally searched Schlossberg's camera, and used excessive force against Schlossberg. All of these actions violate the Fourth Amendment.

Solesbee filed a motion requesting that the judge dismiss the false arrest claim, illegal search claims, and several other claims related to internal police policies. The judge agreed to dismiss the claims regarding internal

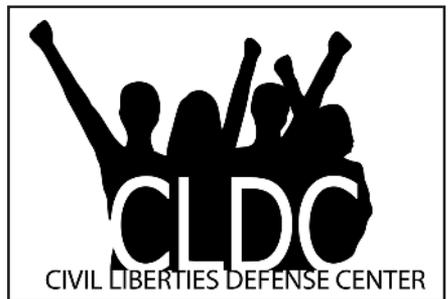
in Police Misconduct Suit

police policies, but refused to dismiss the false arrest and illegal search claim. Regarding the false arrest claim, the court found that a “reasonable jury could find that plaintiff gave Solesbee sufficient warning that he was recording the conversation and, therefore, find for plaintiff on his false arrest claim.” The court also found that “a reasonable jury could find for plaintiff on his unlawful search and seizure claim.”

The court also denied Solesbee’s request to prohibit a jury from awarding punitive damages to Schlossberg. Punitive damages are essentially fines paid by a defendant if the jury determines that the defendant should be punished for his bad behavior in addition to paying compensation for the harm to the victim. The court found that punitive damages may be appropriate against Solesbee in this case because “a jury could reasonably conclude that Solesbee acted with malice or evil intent.” The court’s holding on this issue is based in part on the fact that Solesbee is the same police officer who was accused of using excessive force in 2008 against environmental activist Ian Van Ornum. Van Ornum was attending a peaceful rally in support of a local government decision to ban pesticides when Solesbee arrested him for walking too slowly across a crosswalk at a four-way stop sign. As Van Ornum stood on a sidewalk,

Solesbee came up behind him and grabbed him without first telling Van Ornum that he was under arrest. Solesbee then pulled Van Ornum across the street, slammed him against a wall, threw him to the ground, and slammed his head on the sidewalk, resulting in a concussion.

The court’s ruling is a huge first step towards a legal victory in this case. Although a legal victory and money damages can never make a person fully whole again after being the victim of police brutality, it is still important to bring these cases to court to hold police officers accountable for their misconduct. At some point, there will be a tipping point where police departments change their training policies to prevent these types of easily avoidable incidents. At some point, we hope that police officers who engage in this type of misconduct will be penalized or fired because they are liabilities to their cities and the city taxpayers who are literally forced to pay for the consequences of their misconduct.



Bicycling While Intoxicated Has Same Consequences as Driving

BY MARIAH THOMPSON, CLDC INTERN

Each year the CLDC receives several phone calls from people that have been cited for “biking while intoxicated.” Since most people do not know the basics about these so-called PUIs (Pedaling Under the Influence), we have compiled a brief explanation of the charge and your rights when dealing with the police.

PUI/DUII

There is no specific charge for biking while intoxicated. Rather, if you are cited for this offense you will be charged with Driving Under the Influence of Intoxicants (DUII), just the same as if you were stopped while driving your car, because in Oregon, “driving” refers to a variety of different activities which include biking, as well as other activities such as driving a lawnmower or even riding a horse. Because a bicycle is classified as a vehicle under Oregon law, this means that all of the consequences of receiving a DUII in a car also apply to a bicycle. The following is a short overview of the DUII process and the consequences of receiving a DUII or refusing to take the intoxication tests administered by the police at the time you are detained.

DUIIs and Breathalyzer Tests

In Oregon, when you received your driver’s license from the Department of Motor Vehicles you consented and agreed to perform certain tests if reasonably requested by law enforcement. The Oregon blood-alcohol limit for intoxication is .08 percent. Upon suspicion that you are driving while impaired due to drugs or alcohol, a police officer will request that you take a breath, breathalyzer, or intoxilyzer test (these are just different names for the same test — you blow into a tube and the machine measures the amount of alcohol in your body). If you are found, by breathalyzer test, to be over the .08 limit while operating a vehicle you will receive a DUII citation. Cops can also cite you for DUII if they observe you to be intoxicated by drugs or alcohol even if you blow under a .08, or if you don’t blow at all. DUII is a class A misdemeanor offense which carries up to one year in jail and a \$6,250 fine.

When you are stopped for a DUII, either in your car or on your bicycle, a police officer will ask you if you have been drinking or taking drugs and will ask you to perform a series of physical, non-verbal tests to determine if you have been impacted by the alcohol or drugs you may have consumed. These tests may

include such activities as walking in a straight line, counting backwards, and following a light with your eyes, among others. You do still have a 5th Amendment right against self-incrimination (or Article 1 Section 12 under the Oregon constitution) and can refuse to answer questions such as “how many beers have you had,” “were you speeding,” or “are you a U.S. citizen,” but because of the consent you signed when you got your license, you cannot refuse to perform “field sobriety tests” that don’t require verbal responses to factual questions. You have also consented to taking a breathalyzer test, which is usually administered down at the police station after you’ve been arrested. Most people do not realize that when you received your Oregon drivers license, you consented to take these tests and that your refusal to do so has significant consequences.

- If you REFUSE to submit to the Breathalyzer test, your license will AUTOMATICALLY be suspended for one year and you will not be eligible for a hardship permit for at least 90 days, regardless of whether you are ultimately found guilty of the DUII charge. Even if you were on your bike, it is your driver’s license that will be suspended. In some circumstances, the suspension could be for three years. The police and prosecutor may not have a definitive breath test result to use against you in court, but that does not mean

that they can’t prove that you were driving while intoxicated using other evidence or witness testimony (including the cop testifying that you smelled strongly of alcohol, slurred your speech, stumbled, etc.) You may also be charged with a separate citation, “Refusal to Take a Breath Test.” If convicted, this charge carries a hefty financial penalty.

- If you take and FAIL the Breathalyzer test, your license will be suspended for 90 days, starting 30 days after your arrest date. The police will immediately take your license and you will be issued a temporary permit for the remaining 30 days.
- If you are under 21, your license will be suspended for one year if you have ANY amount of alcohol on your breath — again, whether on your bike or in a car. If you blow less than .08 the State will still have to prove that you were too intoxicated to drive in order to convict you of the DUII, but the license suspension applies nonetheless.
- You can CONTEST your license suspension and may be able to KEEP your license if you are able to prove that the police officer was unjustified in stopping you to begin with. If you believe you were unjustifiably stopped, you must file a written request for a hearing with

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CLDC Descends on Western Montana

BY REBECCA SMITH, BOARD MEMBER
AND MONTANAN

In late spring, CLDC staff attorney Lauren Regan traveled to Western Montana to present a series of legal trainings and civil rights presentations for the public.

In Missoula, Lauren gave a “know your rights” (KYR) training to a University of Montana student group affiliated with United Students Against Sweatshops. The student group, Students for Economic and Social Justice, works to ensure that the workers who make University of Montana apparel are paid fair wages and given decent working conditions. In the past, the student group has organized peaceful sit-ins and protests to further this goal.

Lauren also gave a KYR training at the worker-owned and operated Missoula Food Co-op for co-op members, members of the public, and volunteers with Northern Rockies Rising Tide. Northern Rockies Rising Tide works to address and prevent the causes of climate change. Volunteers with the group have recently engaged in civil disobedience to protest state approval of new coal mining in eastern Montana. The group also works to stop oil extraction and development projects for the tar sands in Alberta, Canada, including the development of a travel corridor for oil machinery through Idaho and western Montana.

Lauren also gave a free presentation at the Missoula Food Co-op on the Green Scare and government repression of political activism.

Lauren and I then traveled to West Yellowstone, Montana, near Yellowstone National Park, to the headquarters of the Buffalo Field Campaign. While in West Yellowstone, Lauren gave a KYR training to staff and volunteers with the Buffalo Field Campaign. She also gave a presentation on the Green Scare and government repression of political activism. The Buffalo Field Campaign works to protect the last remaining wild bison herd in the U.S. from industry-sponsored government policies that require the hazing and slaughtering of hundreds of wild bison every year to protect grazing lands for private cattle ranchers. Volunteers with the Buffalo Field Campaign are frequently harassed by law enforcement for persistently documenting government operations and speaking out against them, which are activities protected by the First Amendment.

We Montanans are elated that Lauren could come to share her wisdom and experience with activists in the Northern Rockies. We hope that this will become a regular occurrence. Please donate to CLDC to help Lauren continue to travel outside Cascadia to broaden the reach of CLDC across the country.

Fostering the Future

BY CRYSTAL McMONNIES,
FUNDRAISING COMMITTEE CHAIR

Most of you probably don't know who I am. You may have seen me previously at the office or some tabling event but were unsure of my role. Well, I am the next generation of the progressive social change movement. However, if you had asked three years ago, you would not have received that answer.

I had just moved to Eugene and found myself at that pivotal point in my studies where I had completed my basics, changed my major several times, and was still left with no idea of what I actually intended to do. Through the internship program at Lane Community College, I was introduced to the CLDC and the world of non-profit work. There are not nearly enough opportunities out in the world to learn on the job, discover your strengths, work on your weaknesses, expand your network, and take an idea and run with it. I was given all these opportunities and more at the CLDC.

After two terms of internships and a summer of volunteering as the social media "expert," I was offered the newly created position of "Outreach

Coordinator." Through this I was able to implement a social media strategy as well as a new membership program. A year later, I left the CLDC to finish my degree but left myself with one foot in the door as the Fundraising Committee chairperson. Since then I've had the opportunity to foster a new set of important non-profit skills.

Through my time with the CLDC, I discovered that there is nothing more difficult and rewarding than non-profit work. Every day feels like an uphill battle but every inch won also feels like a glorious victory. CLDC gave me the opportunity to use my strengths, empowered me to take on new roles and challenges, and encouraged and motivated me to pursue a career in the non-profit sector. CLDC is not only a tool for the progressive social change movement; it is fostering the future of the movement.

Lastly, without the great support from the CLDC community, I could have never had this opportunity. I encourage everyone to continue to give, even during these tough economic times.

Small personal donations can add up for a small non-profit organization like ours. So I leave you with this: Create change. Foster the future. Help fund CLDC.



Crystal McMonnies

Nadia the New Board Member

Nadia Raza joined the CLDC Board this year and has immediately stepped up to work on several events and projects.

Nadia has experience in documentary film and was instrumental in bringing several international documentary films and their producers to premiers that CLDC has hosted in the last few months. Her activist resume includes work that has spanned the last 14 years and includes commitments to numerous organizations challenging racist, sexist, and anti-immigrant repressions. Nadia's work converges in areas of social justice, particularly communities of color who face oppression and repression from many different sources.

During the day, Nadia is an Instructor of Sociology at Lane Community College, where she teaches courses on (but not limited to) critical race theory, the prison industrial complex, and global social movements. Clearly, Nadia is perfect for CLDC!

For the past decade Nadia has worked for Project AV-ARY as a camp counselor and mentor for youth who have one or both parents incarcerated. At Camp AV-ARY, Nadia facilitates a

multi-day workshop on nonviolent communication and community building through non-competitive games. Recently Nadia has written for the *Eugene Weekly* on issues pertaining to Muslims in America. Nadia is a first generation Pakistani-American-Muslim-Feminist. She and staff attorney Lauren will be working to have many of CLDC's Know Your Rights materials translated into Arabic.

In her spare time, Nadia can be found at the stables, off on trail rides, and tending to her menagerie which include her beloved dog Channa, Mas-sala the cat, and a few chickens. A truly amazing woman, we are excited and grateful to have Nadia on our board and look forward to working with her in the future!



CLDC SUPPORTERS

CLDC is pleased to report that we have received two crucial grants to fund our program work. A big thank you to the Spirit Mountain Community Fund and the McKenzie River Gathering Foundation. We are very grateful for their support of our work!

The CLDC is proud to announce our continued partnership with the McKenzie River Gathering (MRG) Foundation. MRG is an Oregon-based Foundation that supports local grassroots efforts to fight poverty, war, globalization, racism and environmental destruction. MRG has been one of our biggest financial supporters in the past years, and we are excited to have received their continued support in 2011. With MRG's help, we will continue our work to uphold civil liberties in our community, educate people about their rights, and empower individuals and organizations to work for progressive social change. You can learn more about the MRG foundation and their amazing work at www.mrgfoundation.org.

CLDC would like to say a very special "Thank You!" to Spirit Mountain Community Fund (SMCF) for awarding us a grant for this year. SMCF is committed to honoring their tribal traditions of sharing and giving back to the community. This is why they support our "Dissent & Democracy" program and Know Your Rights trainings. Using the funding received from SMCF, CLDC has been able to present an array of Know Your Rights trainings as well as Legal Observing training already in 2011. Once again, "Thank You!" Spirit Mountain and for those of you who would like to see more training by CLDC, please become a member today! For more information on SMCF, go to www.thecommunityfund.com.

Please join these supporters by becoming a member of CLDC today! The best way is by becoming a monthly donor. This assists us in paying our monthly bills. You can pledge anything from \$5 a month to \$500! Any support allows us to continue serving you! To join, go to www.cldc.org.

BECOME A CLDC SUPPORTER TODAY

UPDATE ON STAFF CHANGES

We told you in our winter newsletter that there were some changes happening with the staff in the Civil Liberties Defense Center office. As expected, our outreach coordinator and our development director have moved on.

We introduced you to Johnny Correa, our new outreach coordinator. However, Johnny left in March of this year. He is pursuing his education and has moved to the Portland area. He continues to volunteer for the CLDC; you may have seen him at our Portland events.

With all of these changes taking place, we decided that we needed to have a person in the office who was qualified to do the administration, bookkeeping *and* outreach coordination. We hired Amber Mongan for

that multifaceted position at the end of February. She has a bachelor's degree from the University of Oregon in Sociology with a minor in Business Administration.

With the responsibilities of balancing all of the duties in the office, many of you may have already spoken to Amber on the phone but haven't seen her at our events. Know that she is there in spirit as she has generally helped us with the location, sent you an email to alert you of what is new, or prepared all of our materials to offer you at the event.

We are very excited to have her working here! If you have any questions or suggestions regarding CLDC's outreach, please contact her at amber@cldc.org.

CLDC NEEDS YOUR HELP! VOLUNTEER!!

The Civil Liberties Defense Center is looking for volunteers. **Opportunities include: tabling at events, joining mailing parties, conducting trainings or presentations, coordinating fundraising events, testifying at public hearings or attending public meetings, becoming a legal observer, social networking, or nearly any other specialized talent you are willing to share. If you are an attorney, we would love to plug you into our litigation and activist defense programs. Contact us at 541-687-9180 or info@cldc.org. Check out our website at www.cldc.org.**

EXCITING TIMES AT CLDC!

This year has already been full of fun and excitement here at the Civil Liberties Defense Center. There have been lots of changes, announcements, and many events and trainings to report on. There are many more to come. While you may enjoy our newsletter, we can't get everything into it that we'd like to share with you.

So, we've been sending many of you email alerts to inform you of what's going on in the near future. We try to post no more than one alert a week filled with valuable information.

If you would like to sign up for our alerts, or you want to discontinue them, or if you have any feedback for us on the alerts, please contact amber@cldc.org. Make sure that our posts do not get marked as spam, so you can make good use of the information.

Become a member today!

Who is a supporter?

Any person wishing to donate their time by becoming a volunteer or part of our Liberty Street Team to help the CLDC succeed in our mission.

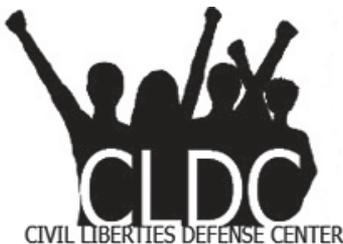
Who is a contributor?

Any person willing to invest financially in our organization's future.

What does my time and money do for me?

By supporting the CLDC, not only are you helping the progressive social change movement, but also protecting your rights. Other benefits include the Liberty Lovers Welcome Package, Email Alerts, and newsletters to keep you up to date on all that your generous donation has accomplished.

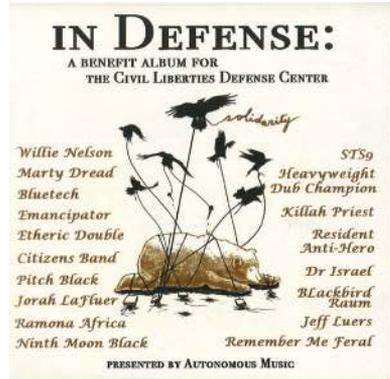
More info @
www.cldc.org



The Civil Liberties Defense Center is a nonprofit organization focused on defending and upholding civil liberties through education, outreach, litigation, and legal support and assistance. The CLDC strives to preserve the strength and vitality of the Bill of Rights and the U.S. and state constitutions, as well as to protect freedom of expression.

CLDC'S Benefit CD "In Defense"

The album features Willie Nelson, STS9, Marty Dread, Bluetech, Emancipator, Blackbird Raum, Jeff Luers, Ramona Africa, and more. The download is \$8 and available at <http://indefense.bandcamp.com>. If you would like the physical CD (which does not include Jeff or Ramona), you can order it for \$10 on our website at http://cldc.org/cldc_support_merchandise.html.



Bicycling While Intoxicated, cont.,

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the DMV within 10 days of receiving the citation. If you prevail, the license suspension is rescinded and often the DUII charge is dismissed. This is a rare victory.

- It may take fewer drinks than you think to put you past the legal limit. For some individuals, even one large drink may put their blood alcohol level past .08. The amount and type of alcoholic beverage consumed, the speed at which you drank, when you last ate food or slept, as well as your age, weight and sex will determine how quickly you reach the .08 level.

- If you believe you may be intoxicated, it is advisable to walk your bike on the sidewalk instead of riding it. Riding your bike on a sidewalk instead of on the road will not prevent you from receiving a DUII.

- If you receive four DUIIs within a 3-year span, your driver's license will be revoked permanently. This is something to keep in mind when deciding if you will consent to a breathalyzer test.

- If you are charged with your first DUII (or have not had a prior diversion in the last 15 years), and no one other than yourself was injured, you may be offered a Diversion Agreement. If you satisfy the terms of this agreement, at the end of a one-year period, the DUII charge will be dismissed and you will not have a DUII conviction on your record. The DUII arrest and any DUII convictions cannot be expunged from your record.

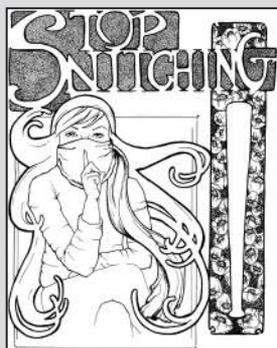
We hope that this clears up some of the confusion surrounding bicycling and DUII laws in Oregon. If you have further questions, please feel free to contact us at info@cldc.org.

Now accepting Paypal!

MERCHANDISE

NEW! Stop Snitching T-Shirt

Proceeds from the sale of our new t-shirt support our activist defense programs. "Stop Snitching" is \$12 plus shipping and comes in a variety of colors and sizes.



Solidarity with Earth Defenders T-Shirt

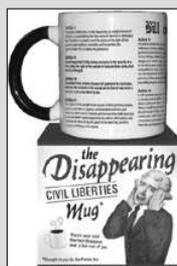
Be the coolest on your street with a lovely CLDC solidarity t-shirt. \$15

Solidarity Stickers

Same image, 4" x 6" quality sticker \$1 plus postage

Disappearing Civil Liberties Mug

Brought to you by the USA PATRIOT Act. Watch your civil liberties disappear over a hot cup of tea. This time the disappearance of your rights isn't so bad; they reappear without much of a fight. \$10



Domestic Terrorist Apron from GreenistheNewRed.com

Now that the government has decided that anyone who disagrees with it is a terrorist, we may as well have fun with our new label. This classy black apron features the cheeky logo "domestic terrorist." \$20

Order at www.cldc.org or 541-687-9180

**Check out all our merchandise on the website.
Contact info@cldc.org for more information.**



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ALERTS ABOUT OUR WORK AND
UPCOMING EVENTS AT WWW.CLDC.ORG**

IMPORTANT DATES FOR YOUR CALENDAR

August 24

Know Your Rights - Immigration

Free workshop open to the public. CLDC and Centro Latino Americano are co-hosting the Know Your Rights training, which will be provided in English and Spanish. Centro, 944 W 5th Ave., Eugene, OR. 6–8 pm

September 1

Local Harvest Feast & Auction

Music, socializing, appetizers, luscious drinks, followed by dinner, more music and an auction. Music by Sol de los Andes. (This Latin American band, directed by the great Oscar "Tito" Amaya, is a group of friends who play traditional music of the Andes. All proceeds go to benefit the CLDC! Mt. Pisgah Arboretum, Eugene, OR. 5:30–9:30 pm.

For more information, write info@cldc.org or go to www.cldc.org