



Civil Liberties Defense Center

1430 Willamette Street, #359, Eugene, OR 97401
Phone: 541-687-9180 • www.cldc.org • info@cldc.org

FOR IMMEDIATE RELEASE

March 9, 2020

Contact: Lauren Regan

(541) 687-9180

CLDC Defends Against Further Censorship of Public Spaces

Eugene, OR — Last week CLDC attorneys filed a motion in the Lane County Circuit Court on behalf of our client, Eric T. Jackson, to dismiss his charges of Criminal Trespass in the Second Degree.

At the time of his arrest, Mr. Jackson was engaged in protected speech activity at Wayne Morse Free Speech Plaza (“Free Speech Plaza”) located in the center of Eugene, Lane County, Oregon. Mr. Jackson challenges the current County Curfew Rule as overbroad and challenges the constitutionality of the duration and enforcement of the 11 p.m. to 6 a.m. curfew at the Free Speech Plaza.

Jackson and the CLDC seek to defend access to public space in Eugene, where everyone should be able to engage in Constitutionally-protected free speech regardless of the time of day. We absolutely oppose any efforts by the City or County governments to limit the right to free speech or the right to use traditional public spaces that are guaranteed the most expansive First Amendment protections.

“The extremely important First Amendment rights of free speech and assembly do not go to sleep at night. When the State attempts to restrict or limit our right to gather together and protest or voice our grievances, we all lose an important democratic freedom. If we don’t have free speech rights at the Wayne Morse Free Speech Plaza, where do we have the right to hold a vigil or protest in this town? The County and City have gravely overstepped their authority, and we must hold them accountable,” said Lauren Regan, CLDC Executive Director and Senior Staff Attorney.

According to the Wayne Morse Historical Parks Corporation, the Free Speech Plaza was established to “better enable Lane County Citizens to exercise the precious rights of free speech and assembly.” It is literally at the center of downtown Eugene, and has been an important community gathering space for more than three decades.

The City of Eugene and Lane County have attempted to control the use of the public Plaza on several occasions, most notably with several variations of a curfew rule. After successive rulings by the Eugene Municipal Court that found the curfews unconstitutional, the County re-wrote the language of the curfew rule and added several constitutional buzzwords.

The challenge by Mr. Jackson is the first time the curfew rule has been challenged since it was rewritten.

The curfew rule was issued in the context of protests against the local government's treatment of unhoused people. It is one attempt amongst many by the local government to further criminalize the unhoused.

As stated in the motion to dismiss, "...the City fails to recognize that it is not protest or other expressive activity that leads to the harms sought to be prevented. Rather, it is a lack of housing and shelter, systemic economic and social inequality, lack of available health care, rising housing costs, lack of bathrooms and trash receptacles, and City and County policies regarding the unhoused that lead to camping and the associated "harms."

If the curfew is upheld, it further limits access to "public forums," or spaces where individuals can gather to make their voices heard. Eugene's Park Blocks, as well as the butterfly lot, are also subject to curfews (since late 2018), leaving sidewalks as virtually the only place where people can gather near the proverbial "seat of government" to assemble and exercise their constitutional rights.

The Civil Liberties Defense Center supports movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction.

###