

A large cargo ship is visible in the background, illuminated by its own lights and the ambient night light. In the foreground, a small boat with several people is visible, and a kayaker in a red jacket and yellow life vest is in the lower left corner. The water is dark, and the sky is a pale, hazy grey.

CIVIL  
LIBERTIES  
DEFENSE  
CENTER

**2019** YEAR IN REVIEW





PHOTO @CLDC

# AS MOVEMENTS GROW, CLDC STEPS IT UP

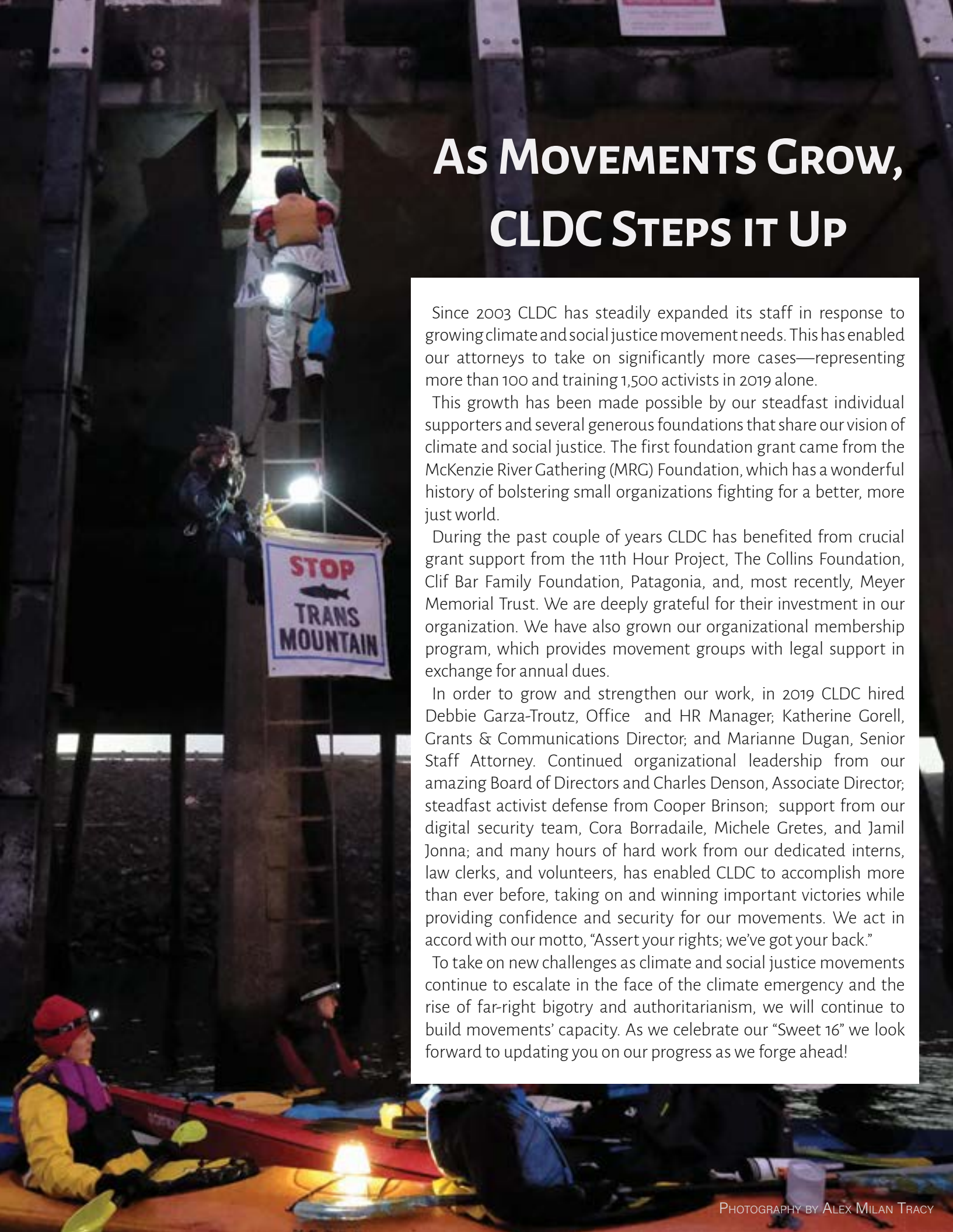
Since 2003 CLDC has steadily expanded its staff in response to growing climate and social justice movement needs. This has enabled our attorneys to take on significantly more cases—representing more than 100 and training 1,500 activists in 2019 alone.

This growth has been made possible by our steadfast individual supporters and several generous foundations that share our vision of climate and social justice. The first foundation grant came from the McKenzie River Gathering (MRG) Foundation, which has a wonderful history of bolstering small organizations fighting for a better, more just world.

During the past couple of years CLDC has benefited from crucial grant support from the 11th Hour Project, The Collins Foundation, Clif Bar Family Foundation, Patagonia, and, most recently, Meyer Memorial Trust. We are deeply grateful for their investment in our organization. We have also grown our organizational membership program, which provides movement groups with legal support in exchange for annual dues.

In order to grow and strengthen our work, in 2019 CLDC hired Debbie Garza-Troutz, Office and HR Manager; Katherine Gorell, Grants & Communications Director; and Marianne Dugan, Senior Staff Attorney. Continued organizational leadership from our amazing Board of Directors and Charles Denson, Associate Director; steadfast activist defense from Cooper Brinson; support from our digital security team, Cora Borradaile, Michele Gretes, and Jamil Jonna; and many hours of hard work from our dedicated interns, law clerks, and volunteers, has enabled CLDC to accomplish more than ever before, taking on and winning important victories while providing confidence and security for our movements. We act in accord with our motto, “Assert your rights; we’ve got your back.”

To take on new challenges as climate and social justice movements continue to escalate in the face of the climate emergency and the rise of far-right bigotry and authoritarianism, we will continue to build movements’ capacity. As we celebrate our “Sweet 16” we look forward to updating you on our progress as we forge ahead!



PHOTOGRAPHY BY ALEX MILAN TRACY

## Dear Friends,

Reflecting on the past 16 years of fighting for the better world we know is possible, the sweet justice that we have achieved together means a lot to me personally, and to the amazing humans who make up our movements. We have won cases that others would have shied away from or thought impossible, and have kept pushing the envelope through the court system because we know that we are on the right side of history and we trust in our agency to make change happen. We have built trusting, long-term relationships with activists around the U.S. and the world, and have represented them and their political beliefs with integrity, hard work, and over two decades of experience.

Because of our team’s determination, we have achieved monumental precedents in Minnesota and Washington, establishing the viability of the climate necessity defense, and we have no intention of slowing down our work to advance this defense in Oregon and elsewhere around the country where the extractivist industry seeks to destroy the planet for profit. We continue to expose the devastating subversion of our democracy by the fossil fuel industry and the destructive impacts of out of control capitalism on people and the planet. We are honored to represent water protectors fighting dangerous pipelines, refineries, wells, and mines that disrespect Indigenous sovereignty and target communities of color. We steadfastly stand with our clients challenging State authoritarian power that tries to curtail free speech, assembly, and the right to dissent.

In Solidarity,

*Lauren*

COVER PHOTO: ACTIVISTS WITH PORTLAND RISING TIDE AND MOSQUITO FLEET PREVENT THE BULK CARRIER PATAGONIA FROM DOCKING AT THE PORT OF VANCOUVER, WA. PHOTOGRAPHY BY ALEX MILAN TRACY.

PICTURED, ABOVE: CLDC FOUNDER LAUREN REGAN JOINS STAFF AND LAW CLERK IN PROVIDING LEGAL OBSERVATION AT AN EXTINCTION REBELLION DEMONSTRATION IN PORTLAND, OR. PHOTO CLDC .

PICTURED, OPPOSITE: MOSQUITO FLEET AND PORTLAND RISING TIDE ACTIVISTS, INCLUDING CLDC BOARD MEMBER KIRAN OOMMEN, SCALE THE PORT OF VANCOUVER IN PROTEST OF THE TRANS MOUNTAIN PIPELINE. PHOTOGRAPHY BY ALEX MILAN TRACY.



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# FREE LEGAL DEFENSE FOR ACTIVISTS

## Current & Recent Cases

We defend many courageous individuals arrested for their participation in protests, economic disruption, and direct action across the U.S. by providing top-notch legal representation for free. We also work to hold corporations, law enforcement, and other government agencies accountable when they've violated the civil rights of activists and marginalized communities.

In 2019, CLDC lawyers defended more than 100 climate activists for free! More than half of these clients had their cases dismissed or prosecutors opted not to file charges after it became known that CLDC attorneys would be providing zealous political representation.

CLDC has proudly represented courageous organizers and activists from a diversity of movements across the country this year, and our legal team continues to provide follow-up from previous years' protest actions.

Our clients include:

- Youth leaders from the Sunrise Movement;
- Indigenous water protectors;
- Private landowners from the No LNG Exports Coalition;
- Extinction Rebellion climate defenders;
- Direct Action Everywhere activists defending animal rights;
- Nonviolent activists defending the Mattole Forest;
- *The Patagonia 5* "kayactivists" fighting the Transmountain Pipeline; and
- Antifascists defending their communities from far right threats.

In 2019 CLDC continued our legacy work in defending animal rights activists for their nonviolent actions confronting horrific abuses that expose disgusting health and safety



*Pictured, above:* Forty non-violent animal rights activists face arrest at the Sunrise Egg Farm in Sonoma County, California. *Pictured, below:* Extinction Rebellion street demonstration demanding action on climate change. CLDC provides pro bono legal defense to these and other groups.

risks on factory farms—many of those “farms” falsely label themselves “cruelty free,” “cage-free,” sustainable, or green to confuse consumers about the truth of their practices. We also continue to represent Standing Rock water protectors, including Sophia Wilansky and Eric Poemoceah, in federal civil rights cases; and Ruby Montoya in an Iowa federal criminal case for her alleged role in a 2017 nonviolent direct action to resist the Dakota Access Pipeline.

Additionally, we traveled to the southern border region, where we provided legal education and support to the tireless human rights defenders at No More Deaths, Desert Aid Working Group, and Ajo Samaritans. We stand in strong solidarity with climate and economic refugees who seek safety and hope for their families.

In the coming year we will continue our strong support of local, regional, and national activists and groups working to fight for a livable planet in the face of catastrophic climate change. Whether that is stopping fossil fuel infrastructure projects, such as the statewide efforts of the No LNG coalition in Southern Oregon to stop the Jordan Cove pipeline and terminal; protecting forests from devastating industrial logging impacts; or drawing attention to the impact of the beef industry and other factory farms, CLDC will be there to provide legal education and support, as well as pro bono representation in the courtroom.

For more than 20 years, CLDC attorney Lauren Regan has been utilizing and developing necessity defenses in order to center the politics and campaign goals of the activists we defend

## The Necessity Defense

in court. CLDC attorneys are proud to represent the Valve Turners, including Ken Ward, who faces his third retrial in Skagit County, WA in 2020 after his first trial resulted in a hung jury and his second trial resulted in a Washington Supreme Court ruling in his favor. That CLDC-led victory created important Washington State precedent that establishes the right of activists to present the climate necessity defense to a jury of peers—who function as the conscience of a community.

Our lawyers also represented the Minnesota Valve Turners, Annette Klapstein, Emily Johnston, and Ben Joldersma. The group was acquitted at trial after creating precedent in the Minnesota Supreme Court, affirming their right to use the necessity defense despite State efforts to use “critical infrastructure” laws to criminalize nonviolent civil disobedience targeting fossil fuel pipelines.

Both Washington and Minnesota continue to face serious threats from the fossil fuel industry, and frontline climate defenders will greatly benefit from these precedents in the future. Leonard Higgins, the Montana Valve Turner, is awaiting a ruling on his appeal also based upon the trial judge's denial of his climate necessity defense.

Our work to expand the use of necessity defenses in activist cases continues to benefit the national climate justice movement. Notably, in March 2020 we created legal precedent in Oregon through presenting the necessity defense in response to charges faced by Extinction Rebellion Portland (XR PDX) activists. We will continue to promote the climate necessity defense at every appropriate opportunity, and promote its validity in every court possible. Check out CLDC webinars on how your campaign or affinity group can best prepare to utilize this defense in Court.





# TRAINING & OUTREACH



PHOTO @CLDC

CLDC Executive Director Lauren Regan facilitates a Know Your Rights training to anti-LNG pipeline activists in Southern Oregon.

In 2019 CLDC staff engaged more than 1,500 frontline social and climate justice activists with customized and up-to-date training curricula that focused on legal rights when interacting with the State and how to combat repression while trying to save the world. We conducted in-person trainings throughout the Northwest, as well as in Arizona, California, Idaho, North Dakota, Minnesota, Washington, Colorado, Montana, and presented at a global public interest law conference in Singapore. Our trainings were attended by a wide range of people, including Indigenous organizers, youth activists, immigrants and allies, veterans, labor organizers and union activists, and members of the LGBTQ community.

We also offered trainings online in coordination with national organizations such as 350.org, Rainforest Action Network, STAND.org, Extinction Rebellion US, Mosquito Fleet, and the Sunrise movement. More than 500 people attended our webinars online. Our updated, tailored educational trainings ensure that climate activists and marginalized communities in more remote rural areas can access information and legal support to increase confidence and grow the movement. We still prefer to meet people on the ground to better form trusted relationships in person, but online trainings expand our reach using fewer resources and provide access to many more people.

In response to movement requests, our team also developed

a training on using the Freedom of Information Act (FOIA) and Public Records Act in order to encourage people to confidently uncover and expose information that the government is acquiring and using against activists to hinder movement effectiveness. Many documents we have obtained shed light on unethical and abusive practices that government agencies and law enforcement would rather keep out of the public eye. CLDC lawyers are also available for assistance throughout the FOIA process, which can be daunting due to the intentional crippling of the system by the State. To encourage activists to file FOIA requests, we have teamed up with journalists, including those at the Intercept and Guardian, to present trainings on documents obtained regarding Standing Rock and other climate campaign repression and surveillance tactics, which we have presented throughout the country and via webinar.

In the coming year CLDC will continue to expand its legal trainings, intentionally dedicating our time and resources on building capacity in rural areas that are often targeted for pipelines by the extractive industry. We will continue to focus on grassroots activists and organizations that have few resources, including access to legal support. CLDC lawyers are committed to training new trainers and mentoring future activist lawyers and legal workers.

## CLDC LAUNCHES IMMIGRANT ESCORT PROGRAM

In 2019 we began a collaborative immigrant escort program with Eugene-based Centro Latino Americano and Grupo Latino de Acción Directa of Lane County. We initiated this project to hold local law enforcement and Immigration and Customs Enforcement (ICE) accountable in the face of the criminalization and dehumanization of our immigrant neighbors who face the threat of imprisonment, deportation, and family separation.

The program equips lawyers, law students, and legal workers to

accompany undocumented migrants to mandatory ICE meetings and/or necessary police encounters in order to document the human rights abuses alleged, and to provide support to those in fear of State repression. We continue to provide Know Your Rights and other trainings for immigrant communities and allies that include detailed information about their rights and other practical points of information to equip the Latinx community to better assert and defend those rights.

# STRONGER TOGETHER



PHOTO COURTESY OF GREENPEACE USA

## SLAPP LAWSUITS AND THE PROTECT THE PROTEST COALITION

We know that State repression takes many forms against environmental and social justice movements. One tactic CLDC lawyers have been successful in defending social and climate justice activists and organizations against is strategic lawsuits against public participation (SLAPP). These bogus lawsuits create a chilling effect on free speech through legal intimidation in an effort to quash public dissent.

CLDC actively engages as a proud member of the newly-formed Protect the Protest Coalition ([protecttheprotest.org](http://protecttheprotest.org)), a national network of allies and partners working to fend off corporations and conservative capitalist think tanks. Our motto, “an attack on one is an attack on all,” centers solidarity and provides a four-prong defense for our movements: legal, campaigns, communications, and legislative policy work.

CLDC’s contributions include leading the PTP legal working group and offering successful defense strategies for those facing SLAPP and RICO suits, free representation if sued, and working with our partners to educate individuals and organizations who may face threats from SLAPP suits via webinars and in-person trainings for activists and public interest lawyers.

CLDC also works on the communications & campaigns team. Through this process we have committed to standing with one another as a powerful coalition to confront corporate bullies any time they target one of us with a SLAPP suit. CLDC lawyers obtained dismissals against Rolute Forest Products’ and Energy Transfer Partners’ SLAPP suits on behalf of STAND.org and other climate justice activists.

Our work fighting SLAPP suits also resulted in not only dismissing a frivolous lawsuit filed by an infamous woman known as the “Weed Nazi,” who attempted to SLAPP Eugene-based antifascists for exposing her correctly as a white nationalist, but also forced her to pay all of our attorney fees and costs! Finally, the Weed 9 and Water for Citizens of Weed California (WCWC) faced a SLAPP suit brought by Roseburg Forest Products in an effort to control a local water source and got that case thrown out of court. We have now filed a SLAPP-back suit where we sue Roseburg’s lawyers in an effort to deter future SLAPP suits like this from being filed. We look forward to winning more victories in an effort to fight malicious SLAPPs and build resilience against this and other forms of repression.

## PROUD MEMBER OF THE PROTECT DISSENT COALITION

CLDC is a proud member of the national Protect Dissent Coalition, which serves as a watchdog network that tracks and responds to repressive legislation being introduced across the United States that threatens the right to lawful protest. The First Amendment to the U.S. Constitution prohibits the government from enacting laws that “abridge” freedom of speech; people’s right to peaceably assemble; and the right to “petition the Government for a redress of grievances.”

Despite this fundamental right, an avalanche of repressive and unconstitutional bills—many drafted by the right-wing “American Legislative Exchange Council” (ALEC)—are targeting campus protest campaigns. If your campaign or community is threatened by chilling, unconstitutional laws, remember that this type of repression historically occurs when activists are being effective. CLDC has your back—contact us for legal support!”

**CIVIL LIBERTIES DEFENSE CENTER** supports movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction. We provide litigation, education, legal and strategic resources to strengthen and embolden their success.

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