

CIVIL LIBERTIES DEFENSE CENTER



2020 YEAR IN REVIEW



CIVIL LIBERTIES
DEFENSE CENTER



CIVIL LIBERTIES DEFENSE CENTER

1430 WILLAMETTE ST #359, EUGENE, OR, 97401

TEL (541)687-9180 EMAIL: INFO@CLDC.ORG

FACEBOOK: @THECLDC TWITTER: @CLDC

INSTAGRAM: @THE_CLDC

CLDC.ORG

CLDC STAFF

Lauren Regan, AAL, Executive Director
Charles Denson, Associate Director
Marianne Dugan, Senior Staff Attorney
Cooper Brinson, Staff Attorney
Rebecca Chapman, Legal Fellow
Stephanie Tidwell, Deputy Director
Angelica Muñoz, Administrative Associate
Debbie Garza, Office Manager
Michele Gretes, Digital Security Coordinator
Jamil Jonna, Systems Administrator

BOARD

Rebecca Smith, President
Dana Johnson, Secretary
Sarah Alvarez, Treasurer
Kerul Dyer
Mookie Moss
Cindy Cordova
Kiran Oommen

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. We provide litigation, education, legal and strategic resources to strengthen and embolden their success.

Dear CLDC Community,

In my 23 years of being a lawyer for environmental and social justice movements, 17 of which have been at the helm of CLDC, I have never experienced a year with as many challenges and twists and turns as 2020. While it's tempting to toss this traumatic year into the dustbin of histories best forgotten, it's important to remember that some critical truths, and progress in advancing them, rose to the surface in 2020 thanks to the courage and determination of racial and climate justice organizers. In keeping with our motto – Assert Your Rights: We've Got Your Back – CLDC also rose to the occasion, growing our legal staff amidst a pandemic in order to support activists standing strong in the face of State authoritarianism, unfettered corporate exploitation, and sickening police violence.

As COVID-19 gained terrifying steam in early spring of last year, CLDC moved most of our work, including court hearings, online, shifting our activist know-your-rights trainings to a weekly webinar format that focused on skills-building, movement history, and mass movement progress. And as BIPOC and white allies took to the streets en masse beginning in late May to demand an end to State-sponsored police brutality, we were there to provide legal representation for those arrested. Soon after, we began filing civil rights suits against local municipalities and police departments for attempting to quell these uprisings with even more police misconduct and violence. We also didn't let up on our longstanding work – we won

major victories for the climate necessity defense in Oregon and Washington and continued to beat back corporations' strategic lawsuits against public participation (SLAPPs,) used largely to target the climate movement.

The CLDC 2020 Year-In-Review showcases our organization's resilience and ability to nimbly adapt to both the needs of the social and climate justice movements that we support and the hard reality of the escalating climate emergency. As you read our updates, I hope that you, too, are inspired to continue giving your all to ensure that the reinvigorated racist, authoritarian, and even fascist, corporate profit-focused systems that have further metastasized continue to be upended by a more just and sustainable paradigm. A better world is possible, but only if we can envision it and then demand it. Thank you for being by our side in the struggle.

In Solidarity,

Lauren Regan

Executive Director & Senior Staff Attorney

PS. I wanted to share the St. Paul Principles — created by activists working to disrupt the 2008 Republican National Convention in Minnesota — as they became more relevant than ever in this year of increased cross-movement organizing. CLDC encourages direct action movements to embrace these principles or develop similar agreements for their core organizing community.

The St. Paul Principles

1. Our solidarity will be based on respect for diversity of tactics and the plans of other groups.
2. The actions and tactics used will be organized to maintain a separation of time or place.
3. Any debates or criticisms will stay internal to the movement, avoiding any public or media denunciations of fellow activists and events.
4. We oppose any state suppression of dissent, including surveillance, infiltration, disruption, and violence. We agree not to assist law enforcement actions against activists and others.



Above left: Lauren Regan, Executive Director & Senior Staff Attorney in her Wonder Woman mask, a gift from some wonderful clients.

Above right: Activists with Eugene, OR-based Black Unity at a local mobilization for Black lives in summer 2020; as of publication they continue to seek accountability from the Springfield Police Department through a civil suit.



Working For Justice in a Compromised Legal System

With a mission to support movements that seek to dismantle the political and economic structures at the root of social inequality and environmental destruction, CLDC understands better than most just how difficult it can be for justice to prevail in the U.S. legal system. That's why CLDC's pro bono legal defense, civil rights impact litigation, and legal education programs are always attuned to the latest developments in the legal realm AND highly responsive to the needs of progressive movements. 2020 brought curve balls the likes of which few of us have ever seen, but with decades of movement legal support and activism under its belt, the CLDC team met these challenges with determination and compassion.

COVID-19, Activism, and the Courts

The COVID-19 pandemic drastically impacted both activism and legal proceedings around the country. Most cases that should have had their day in court in 2020 were either significantly delayed or given short shrift via virtual hearings. As it was unsafe to gather in person, most events were either cancelled or taken online. Despite these limitations, CLDC secured some critical wins, put forth strong legal arguments for progressive movements and civil liberties, and educated more than 5,000 people on their legal rights and movement related topics.

Standing with Black Lives Matter Activists in Court

2020 will also be remembered for the greatest mobilizations for racial justice since the Civil Rights movement of the 1960s. Catalyzed by the police killings of George Floyd, Breonna Taylor, and too many others, a mass multiracial movement took to the streets across the country to decry the ongoing, brutal criminalization of Black people in the U.S. Of note, no major COVID-19 outbreaks were associated with these mobilizations, as organizers and participants strongly encouraged masks and social distancing. Predictably, the police state showed no such restraint, and instead responded with malicious excessive force. Throughout the year, CLDC worked closely with BIPOC and other activists to provide representation for those arrested, fight for their civil rights, and provide educational resources to this growing movement. As the movement for black lives was growing, so too was the far-rights' blatant racism and white supremacy. CLDC stood strong with antifascist organizers and activists in the courts and provided legal consults, digital security trainings, and other legal support behind the scenes.

In July, CLDC filed suit against the City of Eugene and members of the Eugene Police Department (EPD) for aggressively violating the rights of a journalist covering the protests. The plaintiff reluctantly agreed to a financial settlement after the City and EPD flatly refused to even discuss substantive changes to policing policies. In August, CLDC filed a second federal civil rights lawsuit against the same entities for violating its residents' constitutional rights via a military-style rampage and citywide curfews after an isolated incident of property

CLDC stood strong with antifascist organizers and activists in the courts and provided legal consults, digital security trainings, and other legal support behind the scenes.

destruction. As an abolitionist legal organization, CLDC will continue to file impact litigation to draw attention to illegal police violence and force accountability for police misconduct, civil rights violations, and local government agencies that enable these abuses. We also provided direct criminal defense representation for more than a dozen activists who were arrested during protests in Oregon and legal advice for dozens more, either through invite-only online court prep trainings or conferencing with their appointed defense attorneys.

Movement Lawyers for Movement Activists

CLDC serves a broad spectrum of progressive campaigns by leading criminal defense legal teams, bringing lawyers on board with movement orientation and alignment, and ensuring that our legal network is up to date on security culture, State repression and surveillance, and prosecutorial trends and tactics affecting climate and social justice movements, as well as providing legal research and briefings on cutting edge defenses, expert witnesses, procedural tactics, grand juries, and trial advice. CLDC lawyers maintain regular contact with frontline organizers engaged in imminent struggles, and we remain poised to offer legal support at a moment's notice.



2020 CLDC Litigation Highlights

The climate emergency continued to be a unifying theme for much of CLDC's 2020 legal work. From advancing the climate necessity defense to defending activists SLAPed by extractive industries, to filing civil rights lawsuits for Water Protectors fighting oil pipelines, CLDC had the backs of the climate and environmental justice movements.

Above: CLDC lawyers, co-counsel Kenneth Kreuscher, and organizers with Extinction Rebellion Portland made history; their criminal charges were dismissed in a major victory for the climate justice movement and the climate necessity defense

to the case. Jurors ended their deliberation with a hung jury (only one juror refused to acquit them,) resulting in all charges dismissed and no convictions for any of the climate defenders.

So far, the CLDC legal team has been able to successfully advance the climate necessity defense in Washington, Minnesota, and Oregon. We continue to advance this compelling defense in courts around the country and anticipate using it as we move forward with more climate activist trials. Both Washington and Minnesota continue to face grave threats from the fossil fuel industry, and frontline climate defenders here and across the country will greatly benefit from these precedents in the future. We will continue to support them in presenting strong necessity cases, including brief writing, legal research, and securing expert witness testimony.

Fighting for Water Protectors' Civil Rights

In 2020, CLDC continued to play an important role in demanding justice for Water Protectors injured by police brutality during the Dakota Access Pipeline resistance at Standing Rock in 2016 and 2017. We filed a civil rights suit for Comanche Water Protector and videographer Eric Poemoceah in April 2020 against the Morton County Police Department and other law enforcement officers who used excessive force and violated his civil rights while he was peacefully livestreaming, breaking his pelvis and then forcing him to walk to receive (much-delayed) medical help.

The case is currently before the Eighth Circuit Federal Court of Appeals.

We also continue to advance the police brutality complaint filed in the U.S. District Court of North Dakota on behalf of Sophia Wilansky, who was gravely injured when a police officer shot her at close range with a munition on the Backwater Bridge at Oceti Sakowin. The feds continue to refuse to provide a piece of shrapnel that was removed from her arm during surgery, nor will they test it — because it would prove that Sophia was injured by police — not the other cockamamie stories ginned up by the State to shift accountability for her life-threatening injuries.

Stay tuned for updates on both federal civil

Stopping SLAPPs Against Environmental Organizations

In 2019, CLDC secured a SLAPP dismissal on behalf of the environmental group STAND. Earth (and Greenpeace Fund,) which was sued by international logging bully Resolute Forest Products for criticizing its destructive logging practices in Canada. Since the SLAPPER's intent is often to prolong these frivolous lawsuits for as long as possible, it was not surprising when RFP attempted to drag STAND back into the case a year later. Thanks to our legal team's efforts, in January 2021 the United States District Court, Northern District of California, granted our clients' motion to quash subpoenas issued by RFP — and put an end, again, to RFPs unethical abuse of the legal process. In an even greater blow to the timber giant, the judge awarded Greenpeace Fund sanctions against Resolute for its "bad faith" attempt to relitigate issues already decided in the case.

Arguing the Climate Necessity Defense: Breaking the Law May Be Justified By the Climate Crisis

In one of our most significant climate successes to date, in February 2020, 11 Extinction Rebellion Portland activist clients were acquitted of criminal charges arising from blocking a tar sands oil train with a "Victory Over Fossil Fuels Garden" on active railroad tracks. The action was in protest of tar sands exporter Zenith Energy, one of Oregon's largest sources of carbon emissions. This was the first case in the United States where a judge allowed a full climate necessity defense to be presented to a jury including expert testimony and instructing jurors to apply the necessity defense



Above left: Weed, California residents stood strong and united against corporate efforts to sell off their drinking water source to the bottled water industry and chill their First Amendment rights. Their tenacious five-year legal and media campaign was successful, and their local water rights have been protected. Above right: Stephanie Tidwell, Deputy Director, shows off her protective equipment as she gets ready to go out as a legal observer.

Standing with Community Members SLAPPED for Defending Their Water Supply

CLDC is also pleased to report that we filed a novel SLAPP-back lawsuit against Roseburg Forest Products' corporate lawyers on behalf of northern California community group Water for Citizens of Weed, California (WCWC) in order to proactively deter SLAPP-happy corporations and their complicit law firms from using this abusive legal harassment tactic. WCWC and other members of the Weed community had previously faced — and defeated — a SLAPP suit brought by RFP to seize control of a local water source and sell the water rights to a bottled water company. Through efforts like this, CLDC seeks to deter corporate law firms from profiting from such baseless attacks in the future. As of publication the case is currently on appeal in California Superior Court.

Representing Human Rights Attorney Persecuted for Historic Win Against Chevron

In 2020, CLDC also began representing human rights attorney Steven Donziger, who was targeted by Chevron after winning a \$9.5 billion judgment against the fossil fuel giant for destroying parts of the Ecuador-

ian Amazon and poisoning the people and water. Spending millions of dollars on legal fees, Chevron targeted this New York-based lawyer and Ecuadorian community leaders in order to deter other lawyers and advocates from daring to sue multinational fossil fuel companies (and win). Mr. Donziger has been on unprecedented pre-trial house arrest since September 2019, and the trial for the criminal contempt charges levied against him for protecting the privacy and safety of his Indigenous clients has been once again delayed until May 2021.

Supporting Allied Legal Efforts: Amicus Briefs and More

CLDC's long history of activist legal defense often gives us a unique level of experience in novel legal arenas. In 2020, CLDC submitted a number of legal briefs (amicus curiae) to support important civil rights cases, including:

- **Detroit Will Breathe:** After being brutalized by police in 2020, grassroots racial justice group Detroit Will Breathe filed suit against the City of Detroit and its police department in Michigan court for violating their constitutional rights. In an outrageous move to weaponize the courts, the City and its cops filed a SLAPP counterclaim against DWB alleging "civil conspiracy." Because this is the first time that a conspiracy claim has been used as a defense and a harassment tactic by a city, and because the clear intent was to chill activists' efforts to demand police accountability, it was important for CLDC to file an amicus brief in support of DWB and against this unprecedented abusive act of State repression.

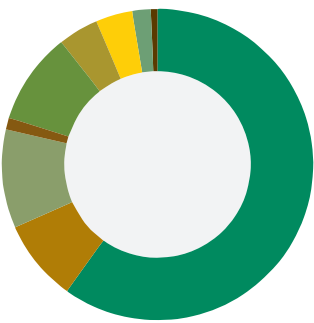
- **Faith leader's climate necessity defense:** In 2016, the Rev. George Taylor and two

fellow Veterans for Peace members were arrested for blocking coal and oil trains from passing through Spokane, Washington. The activists stated that the lack of any government or corporate action to stem climate change necessitated that they take stronger action for our collective future. A Washington State Court of Appeals recently denied Rev. Taylor the right to mount a necessity defense in association with this civil disobedience action despite the prior precedent set by CLDC (Valve Turner Ken Ward's case.) With this denial of due process now under reconsideration by the Washington State Supreme Court, CLDC and two ally organizations (Washington chapters of the National Lawyers Guild and ACLU) filed an amicus brief asking the Court to allow this critical "lesser of two evils" defense to move forward.

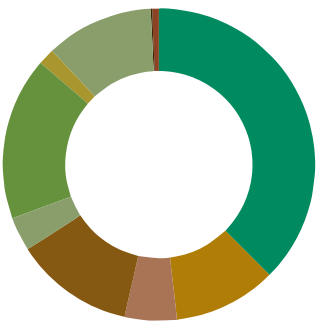
- **Florida activist SLAPPED by mining company:** In October, CLDC and the Protect the Protest task force filed an amicus brief in the U.S. Supreme Court in support of Maggie Hurchalla, a Florida community elder who dared to ask her elected officials to reject a mining company's proposal that she believed could harm the environment. Ms. Hurchalla, a 79-year-old private citizen and retired Martin County, Florida county commissioner, was hit with over \$4 million in damages for sending a single email to her public officials expressing her reservations about Lake Point Restoration's proposed limestone mining project. Unfortunately, this Florida Court decision remains a state precedent. Regardless, CLDC will continue to support Maggie Hurchalla and to fight malicious SLAPPs that seek to deter activists from exercising their First Amendment rights.



Growing Sustainably to Meet Progressive Movements' Legal Needs



2020 Expenses



2020 Revenue

We are thankful that the past four years of the U.S.'s slide into authoritarianism and the ever more urgent ecological collapse were met with a blossoming resistance and hardcore resilience. As the conflicts deepened, CLDC also dug in. In 2020, we hired two new attorneys and a legal and administrative assistant to meet the ever-expanding need for activist defense, civil rights litigation, and legal education. At the end of the year, we also said goodbye to our dear comrade Cooper Brinson – CLDC staff attorney for five years and intern for three – who is off to new adventures.

We were able to support this growth thanks to the generosity of a growing number of individuals and institutions that recognize the vital and responsive services we provide. In light of recent far-right violence, we do not publicly list our supporters. Please know that we see you, we appreciate you, and we are truly grateful for your partnership. Below, you will find additional information about our major sources of revenue and how we spent those funds.

Presenting Timely Legal Education and Training Opportunities for Movement Activists

If you don't know your history, you are bound to repeat it, and if you don't know your rights, you can't vigorously exercise them with confidence. This is why CLDC has developed over a dozen unique educational trainings to help build strong mass movements for social, environmental and economic change.

With the onset of the pandemic, CLDC shifted our public trainings to a weekly webinar series to provide education and engagement opportunities with experts on legal issues pertaining to dissent and democracy, as well as movement history, State repression, mutual aid, and physical and digital security for activists. All of these webinars are recorded and available for password-protected viewing upon request. Many of them have ASL interpretation and/or closed captioning thanks to some amazing volunteers. In 2020 alone, and in addition to our legal observer trainings, 4,500 people registered for our webinars. Highlights included a three-part, six-hour intensive know-your-rights training for climate activists covering topics such as the necessity defense, RICO, SLAPPs, surveillance, and other law-related issues specifically geared to the climate movement. We continued to provide updated trainings on digital security, police misconduct and racial profiling, mutual aid, landowner pipeline resistance, and the history of State repression of social justice movements to name just a few! Addition-



ally, our staff created and presented a wide breadth of new original content, including an in-depth training on how activists can file Freedom of Information Act (FOIA) requests, among many other topics.

Our webinar content, attendees, and panelists embrace cross-movement organizing and include BIPOC and other climate and racial justice activists, movement lawyers, academics, environmental experts, immigrants and allies, labor organizers, youth activists, unhoused individuals, and LGBTQ community members. The online webinar format enables free, convenient, and secure access to our recorded content.

While we hope to return to in-person trainings one day soon, for now CLDC will continue to present legal trainings and host panel discussions through a webinar platform, building skills and legal knowledge for grassroots activists organizing against pipelines and other extractive industry harms, focusing on organizations and campaigns that have limited resources and/or access to legal support.

Movement Relationships, Coalitions and Key Partners

CLDC exists to provide legal support for progressive movements that are doing cutting edge – even controversial – work challenging corporate/State power and authoritarianism. Unlike regular law firms, or even other public interest legal organizations, we only provide mission-aligned legal support for movements that share our own values. These relationships are very important to us,

and we carefully select partners and clients to ensure that we are putting our energy where it is most needed and most effective. One of our longest-standing organizational partners is the National Lawyers Guild. CLDC senior staff attorneys Lauren Regan and Marianne Dugan co-facilitate the Cascadia Chapter of the NLG, which supports legal observers in Eugene-Springfield, Corvallis, and southern Oregon. This year, as mobilizations for Black lives were met with yet another overwhelming wave of police brutality, requests for legal observers skyrocketed. CLDC and Cascadia NLG deployed legal observers to more than 20 local actions, provided support for other local chapters, and our executive director, who also serves on the National Mass Defense Steering Committee, trained more than 550 new legal observers throughout the country. The Protect the Protest (PtP) coalition is another core partner. Comprised of more than 60 nonprofits across the country, and with a motto of “An attack on one is an attack on all,” PtP seeks to preserve our First Amendment right to protest by taking on corporate bullies who use strategic lawsuits against public participation (SLAPPs) to silence their critics. Lauren directs the PtP Legal Working Group, and in June of 2020, CLDC brought on attorney Rebecca Chapman, in part to devote more time to putting an end to this abuse of the court system. The coalition also provides important media and campaign support for the SLAPP litigation CLDC is currently leading, and for the activists and organizations targeted by SLAPP bullies.

Above left: Black Unity clients at their press conference in front of the George Floyd mural in downtown Eugene; they were joined by CLDC lawyers Lauren Regan (fourth from left,) Cooper Brinson (fifth from left,) and Sarah Alvarez (sixth from left)
Above right: CLDC client Teresa Safay, an Indivisible activist in southern Oregon; She was unjustly cited and fined for chalking a sidewalk as part of a Trump accountability protest in Medford in a frivolous attack on her right to free speech.

Protect Dissent is a national watchdog coalition with a mission to stop legislative and regulatory assaults on our civil rights. 2020 saw many state legislatures advance dozens of bills to criminalize dissent with harsh sentences and other penalties — especially for protests — challenging the fossil fuel industry and violence against the Palestinian people. And even as some states moved to pass moderate police “reform” bills to address the seemingly never-ending racial violence of the police state, others doubled down on racist criminal punishment systems. Marianne Dugan, Senior Staff Attorney, leads CLDC’s engagement with this group. Additional core CLDC partners with whom we worked closely in 2020 — and whose work we value deeply — are Promise to Protect, the Water Protector Legal Collective, Law for Black Lives, Public Interest Environmental Law Conference (PIELC,) and our own member organizations: 22 groups — both large and small — that increase our capacity and provide reciprocal support for the shared objective of strengthening and emboldening progressive social change movements.

ANGER → PASSION



Learn More, Act for Justice, and Support CLDC

To learn more about CLDC, the resources we provide, and how you can support this work, please visit cldc.org.



**CIVIL LIBERTIES
DEFENSE CENTER**



Printed on 100% post-consumer
recycled paper at a union shop