FROM THE DIRECTOR: RESILIENT MOVEMENTS WILL PREVAIL

This year, I celebrated 25 years as a lawyer, and the Civil Liberties Defense Center turned 18. 25 years ago, there were not many newly minted attorneys who called themselves animal rights and environmental activists, let alone ones who advocated for police and prison abolition. To put it mildly, movement lawyers like myself were a bit of a rarity back then. The times have changed, and the collective ethical compass has shifted, moving more people to a vision of a world where immense social change is possible. Every year since the founding of CLDC, I become more and more convinced of the rightness of our collective path. I also find myself in the growing and inspiring company of movement lawyers and legal workers.

The interwoven climate, biodiversity, and human rights emergencies we face are daunting, and the severity of the threats compel us to confront them with strength and integrity. Together, we’re challenging a paradigm that criminalizes those who fight to hold corrupt corporations and State entities accountable for their harms. And we’re making a difference.

CLDC clients who were arrested en masse in 2020 for demanding racial justice, police accountability, and climate justice saw most of their charges dropped or significantly reduced in 2021. Necessity defenses were increasingly allowed by judges in our trials, allowing activists to bring the moral reasoning for breaking corporate-friendly laws into the courtroom and allowing juries to deliberate on their justification defense. Corporate SLAPPs (strategic lawsuits against public participation) generally failed to gain traction due to zealous legal defense in the courts and public pressure from coalitions like Protect the Protest.

We favorably settled three people’s federal civil lawsuits against the City of Eugene, Oregon, Humboldt County, California, and their respective police departments for violating people’s rights to engage in protest and document police activity.

Thousands of people joined CLDC and our network of allies to learn more about the history, laws, and frontline issues pertaining to dissent and how to make left-leaning movements more resilient in the face of oppression.

Of course, authoritarians fought back with sometimes dire effects. More and more states moved to further criminalize dissent and legitimize State and other forms of far-right violence. Unprecedented felony charges were brought against racial justice and climate defenders. And our climate emergency continued to worsen.

In light of this, the CLDC team draws our inspiration and renewal from the bravery of the many, many people who continue to rise up for justice in the face of corporate and State abuses of power. Our organization exists because of these movements, and we are proud to be their lawyers and confidantes. I believe that together, we will continue to find the necessary strength, bravery, and resilience to prevail in our interconnected struggles. Thank you for being a part of this community.

You can learn more about our 2021 victories and progress on these cases, programs, and more, in the following pages.

In solidarity,

Lauren Regan, AAL, Executive Director
Sarah Alvarez, Staff Attorney
Rebecca Chapman, Legal Fellow
Marianne Dugan, Senior Staff Attorney
Sandra Freeman, Senior Staff Attorney
Sara Flinn, Communications & Development Associate
Debbie Garza, Office Manager
Katherine Gorell, Grants & Communications Director
Jamil Jonna, Systems Administrator
Amber Mongan, Operations Manager
Angelica Muñoz, Communications and Legal Associate
Chava Shapiro, Engagement Specialist
Stephanie Tidwell, Deputy Director

GLENCORA BORRADAILE
CINDY CORDOVA
KERUL DYER
MICHAEL HAMES-GARCÍA
ANNA HELD, TREASURER
DANA JOHNSON, SECRETARY
MOOKIE MOSS
KIRAN OOMMEN
REBECCA SMITH, PRESIDENT

MISSION

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.
In 2021, we submitted an amicus brief with our friends at the NLG-Seattle chapter and ACLU-Washington chapter, to the Washington State Supreme Court supporting the Reverend George Taylor’s right to argue the climate necessity defense for his arrest after blocking coal and oil trains outside of Spokane. The Court ruled that Rev. Taylor’s use of the necessity defense should indeed be allowed to move forward, and he is currently awaiting a jury trial.

In cooperation with Anishinaabe legal team members and water protectors, CLDC is drafting and advancing climate necessity defenses justifying direct action resistance to the Line 3 tar sands pipeline that threatens the continued existence of Indigenous peoples and all of our living communities. We are also inspired by the new cultural genocide necessity defense being advanced by Tribal attorneys that builds off of this legal frame.

**It's a Necessity: How CLDC advances innovative defenses for climate and water protectors**

The vast majority of the global public – and its elected decisionmakers – acknowledge that anthropogenic climate change poses a serious threat to our collective future. And yet, those with the courage to demand stronger, immediate action to curb the most egregious sources of climate pollution continue to be criminalized for their emergency interventions in far greater crimes against nature. This perversion of justice stems from polluting industries’ near total capture of the structures that theoretically regulate them and demands a bold response. Thus, as activists step up their direct action to thwart this existential threat, CLDC is working with them to bring the necessity behind their actions into the courtroom as they face charges.

**Climate Necessity Defense**

CLDC is an innovator in advancing the climate necessity defense, which argues that breaking the law in order to stop polluting industries’ far more harmful actions is not only warranted but necessary as we reach the existential tipping point.

In recent years, our team led the successful defense of the Valve Turners and Extinction Rebellion Portland, and continues to move this compelling defense forward in courts around the country.

*Top: The Valve Turners’ cases set important precedent for the climate necessity defense
Right: Climate activists protest in “Necessity: The Movie”*
**Water Protector Defense**

It’s an old adage in most direct action circles that ‘the action isn’t over until everyone’s out of jail.’ More recently, movements have expanded the action timeframe to include trials and incarceration as well, affirming that this solidarity within movements sends a strong message to the fossil fuel industry and its enablers that the fight isn’t over.

With this in mind, a network of public interest attorneys and legal workers came together over the past two years to ensure that all Water Protectors arrested at the protests against Enbridge’s construction of the Line 3 tar sands pipeline through sacred Anishinaabe lands and waters in northern Minnesota received high quality, pro bono, movement-aligned legal representation (and that everyone was bailed out of jail quickly). CLDC worked closely with Indigenous leaders, activists, and our allies in the Pipeline Legal Action Network to put this plan into action, providing direct representation to more than 30 Water Protectors and helping coordinate and support PLAN’s volunteer-driven defense of hundreds more. Near the end of 2021, we formally partnered with the Water Protector Legal Collective to fund and hire an additional full-time attorney to take on the defense of the remaining 100-150 Water Protectors who still need direct representation. Working with these activists to bring our climate emergency and Tribal rights into the courtroom is a central part of our collective defense strategy.

CLDC also represented the Patagonia 5, a group of kayaktivists arrested in Washington for temporarily blocking shipping of construction materials for Canada’s Transmountain tar sands pipeline, helping to get their charges completely dropped just days before trial.

"CLDC has provided critical support to me and my community in the face of State repression. Participating in activism is much more accessible when I know that I have attorneys that will have my back and are aligned with issues I care about. Challenging the status quo and powers that be will never be easy, but being able to rely on and trust my friends at CLDC is so incredibly valuable as we engage in movements to challenge the myriad of social and environmental injustices we collectively face."

– Patagonia 5 legal defense client
Following the murder of George Floyd in May 2020, and the subsequent uprisings, CLDC recommitted to our promise to be responsive to movements. Throughout 2021 we continued to learn and adapt to ensure that our work remains useful for those out on the leading edge of forging change. We began re-examining how to best be in alignment with the movements we seek to support, diving into the vital tasks of deep listening and reflection when it comes to diversity, equity, and inclusion (DEI). We concluded that ensuring that BIPOC-led and other historically marginalized organizing bodies have increased access to legal resources that enable them to be bolder, more resilient, and in turn, more effective, deserved a much greater organizational priority.

The legal work and direct representation we have taken on this past year reflect this evolving focus within our organizational priorities. We are proud to work alongside such inspiring activists and community members in their efforts to cultivate more just and liberatory futures for all people.
CASE HIGHLIGHTS:
Racial Justice, Climate Justice, and Police Brutality

We don’t often talk about our criminal defense of clients because of client confidentiality and a desire to limit the already high impact of pending charges on their lives. In some situations, state law and court rules also restrict our ability to publicly discuss individual cases. However, defending activists from criminal charges continues to be a major organizational priority. Over the course of 2021, we represented 16 racial justice activists, 22 water protectors, 12 other climate, animal rights, and human rights activists, went to trial against the Bureau of Prisons on behalf of political prisoner Eric King, and partnered with Water Protector Legal Collective to begin providing criminal defense services to dozens more water protectors who fought against construction of the Line 3 fracked gas pipeline. In total, we provided direct legal defense services to 51 activists and support to many more. This work goes hand-in-hand with our civil impact litigation work in partnership with activists who have had their rights egregiously violated by corporations and the State.

Loren Reed is an Indigenous man from the Navajo Nation who faced decades in prison as a result of private Facebook chats during the Summer of 2020. In 2021, CLDC provided legal support to his attorney of record, supporting a successful non-cooperating plea deal that enabled Loren to return to his community and family.

“CLDC came in to support my attorney of record because of the Tucson Anti-Repression Crew and the relationship they had with CLDC. I love CLDC for the work that they do. It’s super relieving to know there are lawyers just trying to do the right thing.”

– Loren Reed

Erin Grady, Tyler Hendry, and several more plaintiffs in CLDC civil litigation against the Eugene Police Department (EPD) helped lead a powerful release of demands for the city of Eugene to defund, demilitarize, and cease issuing unconstitutional curfews. Along with those demands, Hendry said: “For far too long, liberal-leaning cities like Eugene have allowed their police departments free reign to terrorize residents – particularly BIPOC people. It’s time for Eugene to align its ethics with what its leadership says they are, and that means defunding the police and instead supporting real community safety nets like Cahoots instead of militarized oppression of all but the wealthy and powerful.”

Left: CLDC supported Loren Reed's free speech rights with legal support; Center: CLDC attorneys in federal court in Denver; CLDC client; Right: imprisoned antifascist activist Eric King. Spoiler alert! We won!
CLDC has continued to hone and expand our legal work to meet the needs of those who fight to defend our environment, civil liberties, and human rights. In 2021, we hired a new attorney and an operations manager to meet the ever-expanding need for activist defense, civil rights litigation, and legal education. We launched a collaborative Line 3 defense attorney position with Water Protector allies. And we expanded the scope and accessibility of our Know Your Rights educational program. We also increased our commitment to our team’s long-term sustainability by offering full health insurance benefits, family leave, and more flexible leave and remote work options. We were able to support this growth thanks to the generosity of a growing community of individuals and institutions that recognize the vital and responsive services we provide.

In light of far-right violence and doxing threats, we do not publicly list our supporters except as required by law and/or personal agreements. 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.

Hosted 16 live webinars on topics ranging from cell phone security at protests to grand jury resistance to online censorship of liberation movements.

Held 12 private, tailored trainings for specific movements and organizational members.

Hosted eight law clerks, four interns, and several dedicated volunteers who are taking what they learned with CLDC into their activist lives and careers.

Above: It’s been a hard couple of years for accepting real-life volunteers, but the ones we do get are extra, extra awesome! Back: Community water activists in Weed, California are fighting back against corporate SLAPPers in a novel SLAPPback lawsuit.
To learn more about CLDC, the resources we provide, and how you can support this work, please visit cldc.org.