

DANIEL W. MEEK

Attorney & Consultant
PORTLAND, OR 97219
503-293-9021 VOICE
855-280-0488 FAX
dan@meek.net

To Whom it May Concern:

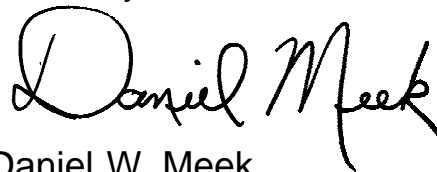
Peaceful petitioning and signature gathering are lawful and protected activity in all Oregon public areas, including parks, streets, sidewalks, transit platforms, and fairgrounds.

These protections are guaranteed by the First Amendment of United States Constitution and by Article I, § 8, of the Oregon Constitution. Local ordinances can restrict dangerous behavior but cannot prohibit peaceful expressive conduct, such as petitioning or speaking.

Petitioners in Oregon have a long history of successful lawsuits against government entities attempting to restrict their opportunity to obtain signatures on public property. Such attempts have many times resulted in litigation in federal or state court for injunctive relief, monetary damages, and assessment of attorney fees.

Please review the legal authority on the next page before deciding whether to impair the constitutional rights of petitioners in Oregon.

Sincerely

A handwritten signature in black ink that reads "Daniel Meek". The signature is written in a cursive style with a large, looped "D" and a stylized "Meek".

Daniel W. Meek
Attorney

OREGON CONSTITUTION, ARTICLE I, § 8, PROTECTS PEACEFUL EXPRESSIVE CONDUCT ON PUBLIC STREETS, SIDEWALKS, FAIRGROUNDS, AND TRANSIT MALLS AND IN PARKS:

SIDEWALKS: *City of Eugene v. Miller*, 318 Or 480, 483, 871 P2d 454 (1994).

Oregon Supreme Court held that city ordinance limiting street vendors to only food, beverages, flowers or balloons, is unconstitutional under Oregon Constitution, Article I, § 8, and could not be applied to limit distribution of expressive material.

TRANSIT DISTRICT PLATFORMS: *Leppen v. Lane Transit District*, 181 Or App 136, 45 P3d 501 (2002). County transit district's ordinance prohibiting petition signature gathering in vicinity of bus boarding platform area at transit station was a regulation aimed at the content of speech, violating Oregon Constitution.

COUNTY FAIRGROUNDS AND PARKING LOT: *City of Eugene v. Lincoln*, 183 OrApp 36, 50 P3d 1253 (2002). Oregon Constitution, Article I, § 8, prohibits use of ordinance to remove peaceful demonstrator from County Fairgrounds, where plaintiff approached ticket buyers to protest the treatment of circus animals.

PEDESTRIAN MALLS: *City of Eugene v. Lee*, 177 OrApp 492, 502-3, 34 P3d 690 (2001). Oregon Constitution Article I, § 8, prohibits use of city ordinance against preacher on pedestrian mall merely because his expressive conduct was "upsetting to some listeners." Engaging in expression "that induces some people in a busy public walkway to stop and listen while others may pass unimpeded is expressive activity that is protected by Article I, section 8."

UNITED STATES CONSTITUTION, FIRST AMENDMENT, PROTECTS PEACEFUL EXPRESSIVE CONDUCT IN CITY PARKS, EVEN IF "LEASED" TO PRIVATE GROUP

Gathright v. City of Portland, 315 FSupp2d 1099 (2003), 74 FedAppx 810 (9th Cir 2003), and second appeal, 439 F3d 573 (9th Cir 2006), cert denied, 549 US 815, 127 SCt 76 (2006). Preacher sued City, whose police officers removed him from public property upon complaints by sponsors of private events on City property (such as Pioneer Courthouse Square and Tom McCall Waterfront Park). Ninth Circuit upheld lower court decision that private events sponsors on City property cannot exclude persons based on their speech or views. The Court later upheld permanent injunction issued by Judge Ancer Haggerty, U.S. District Court, which ordered City to delete section of City Code purporting to grant private permit holders the right to exclude persons from public property. The City cannot "enable[] private citizens to exclude people from events in public forums solely on the basis of the content of their speech."

Rohman v. City of Portland, 909 FSupp 767, 772 (1995). Judge Ancer Haggerty held that Pioneer Courthouse Square of Portland, Inc., the operator Portland's Pioneer Square, could not restrict preacher to "Free Speech Area" or exclude him from Pioneer Square because the "venerable tradition of the park as public forum * * * [has] a very practical side to it as well: parks provide a free forum for those who cannot afford newspaper advertisements, television infomercials, or billboards."