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PRESS RELEASE

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OREGON SUED OVER DOMESTIC SPYING OPERATION

Unauthorized domestic intelligence program housed in the Oregon Department of Justice regularly spies on environmental, indigenous rights, and social justice advocates

SALEM, OREGON, December 14, 2021 — A group of indigenous rights, social justice, and environmental advocates [filed a lawsuit today](#) against the Oregon Department of Justice (“DOJ”) for its illegal surveillance operation known as the Oregon TITAN Fusion Center.

TITAN is a covert domestic spying program that collects, retains, analyzes, and distributes so-called “intelligence products” on Oregon residents, including on law abiding individuals exercising their constitutional rights to speech and assembly. The Oregon DOJ operates the TITAN spy program completely in the shadows, without any statutory authorization or legislative guardrails, in violation of Oregon law.

“It is astonishing and disturbing to become the target of a well-resourced secret police solely because of my participation in peaceful rallies opposing a harmful fossil fuel pipeline across my ancestral lands,” said plaintiff Ka’ila Farrell-Smith, a Klamath artist and environmental and indigenous rights advocate.

“If TITAN is targeting an organizer like me for engaging in the most fundamental aspect of the democratic process, I can only imagine how far the Oregon Department of Justice has cast its surveillance net,” said plaintiff Sarah Westover, a social justice advocate, community organizer, and former City Councilor for Phoenix, OR.

Joining Farrell-Smith and Westover in the lawsuit are Plaintiffs Rowena Jackson, a Klamath *ambo* (“water”) protector and Francis Eatherington, a long-time environmental advocate. The plaintiffs are represented by nonprofit the Policing Project at NYU School of Law and the law firms Cleary Gottlieb Steen & Hamilton LLP and Davis Wright Tremain LLP, which are handling the case pro bono.

“A domestic surveillance program sucking up information on the protected political activities of Oregon residents has no place in Oregon or in a democratic society,” said Barry Friedman, the founding director of the Policing Project and the Jacob D. Fuchsberg Professor of Law at NYU Law. “There is not a single Oregon law or regulation that gives the state DOJ the power to run a

generalized spy agency. That TITAN exists without any legislative authority flouts the basic principles of democratic governance.”

The covert spy program regularly targets law-abiding members of the Oregon public. Over just the last few years, TITAN analysts have:

- [Surveilled and issued baseless reports](#) on environmental advocates peacefully (and successfully) protesting Jordan Cove LNG, a ten-billion dollar fossil fuel export terminal and pipeline;
- [Coordinated](#) with a public relations firm hired by the private corporation behind the fossil fuel project;
- [Used surveillance software](#) to track the physical location of social media users posting the “Black Lives Matter” hashtag, resulting in the promulgation of a threat assessment report against the OR DOJ’s own Director of Civil Rights; and
- [Monitored and prepared](#) “criminal intelligence” reports on the Women’s March and similar political demonstrations.

“TITAN is entirely insulated from democratic accountability, and it has repeatedly abused its unchecked power over law-abiding Oregon citizens,” said Cleary Gottlieb attorney Jeff Rosenthal.

“We cannot allow Oregon to become a surveillance state,” said Davis Wright Tremaine attorney Tim Cunningham. “TITAN’s lawless focus on advocates exercising their constitutional rights is an undeniable step in that direction.”

TITAN is one of 80 domestic intelligence “clearinghouses” that make up the National Network of Fusion Centers. These surveillance hubs collect, analyze, retain, merge, and disseminate information from and to federal, state, local, and tribal agencies, as well as public- and private-sector partners. Although originally conceived of by the U.S. Department of Homeland Security (“DHS”) in the aftermath of the 9/11 Commission Report to fight terrorism, most fusion centers have long since shifted their focus to “all crimes and all hazards,” a designation that essentially sweeps any activity deemed suspicious by any law enforcement agent or private entity partner into the fusion centers’ purview.

“Civil rights and privacy advocates have been sounding the alarm about fusion centers for years,” said Policing Project Executive Director Farhang Heydari. “Even the United States Senate acknowledged that they are ineffective at best. But TITAN is one of the worst offenders: regularly surveilling wholly lawful and even constitutionally-protected activity.”

Plaintiffs are asking the Court to order Oregon DOJ to put an end to the TITAN’s unlawful operations.

The suit was filed in the Circuit Court of the State of Oregon for Marion County.

For more information on the case, please visit www.policingproject.org/titan-lawsuit.

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The Policing Project at NYU School of Law was founded to bring democratic accountability to policing so that it better matches American ideals and community needs. Learn about the Policing Project at www.policingproject.org.

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