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February 1, 2021

*Re: HB 2928*

To Whom It May Concern,

I write to urge the members of this committee to advance HB 2928. The use of "less-lethal" weapons by police against protesters, and particularly protesters who are demonstrating for the rights of Black people, in the United States has a long and shameful history. There is an unbroken line from Bull Connor's fire hoses and police dogs to the tear gas used Mayor Daley at the 1968 DNC to the pepper spray applied directly to the eyeballs of environmental protesters in Northern California in the 1990s to the Portland Police Bureau's use of dozens of canisters of tear gas on June 2, 2020. That common theme is a desire by police to suppress dissent and a willingness to use pain in order to accomplish the goal of silence. It is an unconscionable trend in American policing which the courts have proven inadequate to address. Legislative intervention is required, and I applaud this committee for taking up the task.

HB 2928 puts Oregon on the side of free speech and free expression. It does so by banning the indiscriminate use of substances which, by their very nature, cannot be targeted, and by placing common sense limitations on the use of other less-lethal weapons. Tear gas is synonymous with the suppression of dissent by authoritarian regimes. It simply has no place in a democratic society. The limitations on the other weapons are a sensible start.

I would urge two modifications to the introduced text: 1. The definition of "riot" should be modernized to comport with our modern understanding of what a riot is. I would suggest simply "10 or more people engaging in property destruction or violence where their behavior cannot be stopped by other means". 2. The use of kinetic weapons should not be authorized against someone who "has committed ... a felony". The police are never authorized to exact

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punishment for committed criminal acts. That is for the courts. The police are allowed to use force in order to prevent a criminal act. The past tense should be deleted to comport with existing constitutional law.

Sincerely,

/s/ Jesse Merrithew