



February 11, 2022

House Judiciary Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Opposition to HB 4131-1 and in Support of HB 4131-3 and HB 4008-8; Please restrict police from using weapons of war - tear gas and munition weapons- against protestors and communities

Chair Bynum, Vice-Chairs Noble and Power, and Committee Members,

I am Sandy Chung, Executive Director of the American Civil Liberties Union (ACLU) of Oregon, a civil liberties and civil rights organization representing more than 28,000 members statewide.

Thank you for this opportunity to present our written testimony in opposition to the base bill for HB 4131 and our support for the amendment language in HB 4131-3, which is also reflected in HB 4008-8, which we support as well.

Due to the intrinsic properties of tear gas and munition weapons, their use by police is almost always indiscriminate in nature and harms people who are not engaged in wrongdoing. We saw this when peaceful protestors were harmed by tear gas and projectiles during 2020, which led to multiple lawsuits and several legal settlements by the City of Portland.¹ We also saw this when families with children were harmed by tear gas that seeped into their homes.² Parents, teachers, and medical professionals have also beseeched law enforcement to stop using chemical weapons like tear gas because of the harmful effects on children including at schools.³

As such, the changes to current law proposed by the League of Oregon Cities and City of Portland have serious constitutional implications. The First and Fourth Amendments to the U.S. Constitution do not permit police to use indiscriminate force or allow the actions of one or a few to silence others' voices.

Last year, law enforcement and cities were at the table when HB 2928 was adopted, with agreement by all. So it is very concerning that in less than a year, they are requesting changes during the short session, when there is very little time to give this law the consideration it requires.

¹ <https://www.opb.org/article/2022/01/19/portland-city-council-settlement-protest-lawsuit-police-excessive-force/>

² <https://www.opb.org/article/2020/09/08/when-portland-police-use-tear-gas-protesters-arent-the-only-ones-breathing-it/>;
<https://www.week.com/news/2020/07/08/when-police-deploy-tear-gas-on-protesters-it-leaks-into-the-homes-of-portlanders/>

³ <https://www.oregonlive.com/portland/2021/04/school-next-to-portland-ice-facility-sounds-alarm-over-childrens-exposure-to-chemical-munitions.html>

Also concerning is this: that about four weeks ago, the public learned that Portland police used training slides with extremist memes and dehumanizing and violent attitudes towards protestors. Regarding these training slides, the headline of a New York Times article was: “Police Presentation in Portland Celebrated Violence Against Protestors.”⁴

Many community members have expressed their strong opposition to weakening the current law and that they would like stronger protections on police use of tear gas and munition weapons.

- We held a People’s Hearing on February 8 during which community members spoke. A video of this hearing is available here: <https://youtu.be/Zvpr5RPixMs>.
- Also, many community members asked us to share their experiences and thoughts on tear gas and munitions with you. We have submitted this as testimony on the legislative portal.

We ask you to listen to the community’s voices.

If the Judiciary Committee has questions regarding the serious constitutional implications of HB 4131-1, we will make ourselves available to answer the Committee’s questions.

We urge the Committee to oppose the base bill in HB 4131 and support HB 4131-3 and HB 4008-8.

Thank you,

Sandy Chung
Executive Director
ACLU of Oregon
Pronouns: she, her

⁴ <https://www.nytimes.com/2022/01/14/us/portland-police-protests.html>