

Submitter: Andre Miller

On Behalf Of:

Committee: House Committee On Rules

Measure, Appointment or Topic: SB238

Thank you for the opportunity to provide written testimony in strong opposition to SB 238A.

SB 238A is a dangerous step backward for civil liberties and due process in the state of Oregon. By removing court oversight from processes that may involve substantial restrictions on an individual's liberty, we set a precedent that compromises the very foundation of our justice system: checks and balances.

The courts are a critical safeguard in ensuring that decisions especially those involving detention, surveillance, or restriction of rights are made with transparency, accountability, and fairness. Removing the judiciary from the oversight process opens the door for:

- Arbitrary decision-making without legal challenge or recourse;
- Reduced public trust in government agencies and institutions;
- The potential for racial bias and profiling to go unchecked;
- A weakening of constitutional protections, particularly the right to due process.

This bill is especially harmful for Black, Brown, Indigenous, and other marginalized Oregonians who have historically been over-policed and over-surveilled. Without court oversight, the risks of abuse, misapplication, or unjustified targeting increase exponentially. We know from history and from present-day data that when power is consolidated without oversight, it is often communities of color who suffer the most.

Some may argue that court review slows down decisions or adds unnecessary bureaucracy. But due process is not an inconvenience it is a constitutional right. The role of the courts is to ensure that government actions are grounded in law and that individual rights are not violated in the name of expediency or fear.

Oregonians expect a justice system that is fair, equitable, and just. SB 238A would move us in the opposite direction toward a model where rights are restricted and liberty is diminished without the appropriate legal checks.

For all these reasons, I urge you to oppose SB 238A and any effort to weaken judicial oversight or sideline the courts. Our communities and our democracy depend on it.