

February 1st, 2021

Oregon State Legislature  
900 Court St NE  
Salem, OR 97301

RE: House Committee on Conduct Meeting and Possible Work Session on Personnel Rule 27  
Complaint against Representative Hernandez

Co Chairs and Representatives Fahey and Noble and members of the committee,

I met Representative Hernandez in college. Shortly after, we became best friends and remained so for almost a decade until we began dating. It is heartbreaking to come forward to you all today to say that this person who I've profoundly loved is violent and abusive, and should be expelled from the legislature.

Domestic violence, sexual harassment, and online stalking are unfortunately experiences that women, and especially Black, Indigenous, and other women of color, face far too often with little to no justice or accountability. It is my hope that these hearings result in this legislature holding Representative Hernandez accountable for what is unequivocally an insidious and dangerous pattern of behavior so that women may experience healing and safety once again in the Capitol. It is also my hope that these hearings set the precedent of ensuring accountability for all who create a hostile working environment.

Representative Hernandez's controlling and abusive behavior, retaliation, and public gaslighting has inflicted a devastating amount of trauma on my family and me that continues to reverberate. I am still healing from the impact of his actions. In addition to affecting my ability to do my job, his behavior affected my physical, mental, and emotional well-being. Isolation was another component of his abuse. One of my family members says that they refer to the time we were dating as the time they felt like I was in a cult. Communications with my family were cut off and I would avoid engaging with them because every time I did, an outburst would ensue.

For example, once, after yelling at and berating me for over three hours, he threw his cell phone at me, along with multiple other items. He said it was because he saw me dancing with someone else. I was so scared my mind and body froze, and I remember thinking, "don't move or he's gonna hit you." I just sat there, frozen, waiting for it to stop. The next morning, and for many months afterwards, he claimed he didn't remember doing these things because he was so intoxicated and under the influence of drugs and forced me to recount that traumatic incident until *he* remembered. Before apologizing, he blamed me for not leaving and disengaging before his behavior worsened. Section B2 on page 18 of the report states that, "Rep. Hernandez admits throwing a cell phone at a table at which Subject Two was sitting", however, he threw the items at me, and not at the glass table we were sitting at.

His jealousy and controlling behavior were ongoing and abusive. In another incident, he followed me in a Lyft car and kept calling until I answered because he was convinced I was

flirting with the driver. When I got home, he towered over me and yelled at me for sitting in the front seat and not answering his calls, which I didn't see. He wouldn't drop the topic until I admitted I was at fault. He would constantly demand that I prove where I was and who I was with.

We both had business in the State Capitol building, and the hostility and abuse carried over into the workplace. He created a hostile working environment by continuing to control my every move, making me hyper-alert at community events and meetings, especially in the evening or on the weekends. My anxiety became more pronounced and I was in a constant state of fear. Who was I talking to? How was I talking to them? I purposefully avoided long conversations with men around my age, so that I wouldn't be subjected to additional violence. If I saw the Representative drinking at galas, I tried to get us home as quickly as possible.

This physical and emotional abuse continued to impact my professional career and work performance. I would shut down immediately when men raised their voices when discussing the homelessness crisis or police violence or immigration reforms and felt ashamed that I couldn't stomach additional toxic masculinity in the workplace. I couldn't remember many important details of my job as I had previously been able to and had to take more time to write information down. I disappeared right as the workday ended and became isolated and distant from colleagues with whom I previously had a close working relationship with, which impacted my ability to gain insight into the politics and chatter behind bills. I felt like I carried a veil of shame and anxiety everywhere I went. My workplace was no longer a place I could safely exist in or work, but rather a place where my abuser continued to have power.

After I shared my experiences publicly, the Representative evaded accountability, and his lack of accountability impacted my professional credibility and performance. Calling it racism, being "Karen'ed" because of a vote he took, or even attacking the rule itself made it challenging for colleagues to believe me, and for me to continue to be effective in the building.

What has been especially hurtful was the claim that "there wasn't anybody that came forward, it was another mandatory report of a frivolous complaint".<sup>1</sup> I exist. I came forward, and I am here before you today. These are not frivolous claims; these are experiences that have been substantiated by the report, evidence, and witnesses. As a Latinx woman, the erasure of my experiences of abuse by a sitting legislator has been retraumatizing and offensive.

There is a long and morbid history in the Latinx community with machismo and domestic violence. In fact, many Latinx women seek refugee status or asylum protection from the US to stop that abuse and survive. Oregon law takes this abuse so seriously that it provides a path towards residency if there is an undocumented person who has been the victim of physical abuse. Why would we not provide the same protections to women here and now?

Latinx women, and BIWOC, are often expected to endanger our physical, mental, and emotional well-being to protect our men, and if we don't, we are not down for our gente. We ride or die,

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<sup>1</sup> <https://www.wweek.com/news/2020/10/14/wws-november-2020-endorsements-oregon-house/>

quite literally. The gaslighting of my experience expanded from an individual perpetrator to a community-wide position, and it was devastating to not have been believed by my community, who chose to continue supporting a known abuser.

As if the abuse and backlash weren't enough, I was also subjected to ongoing retaliation. The Representative weaponized technology to surveil, hack, and digitally invade my privacy. Stalking and surveillance are common after leaving abusive partners, and the period after leaving has proven to be a dangerous time for survivors. I began feeling paranoid about social media and though I couldn't prove or explain it, I knew someone was watching and surveilling me. This happened for several weeks until it was brought to my attention that a threatening message had been sent to a friend and prominent community leader in the middle of the night, purportedly by me. This meant that someone hacked into my password protected account at a time they knew I wouldn't notice to do this. Furthermore, without my consent, my password protected GovDelivery account settings were changed, and I was removed from Rep. Hernandez's newsletter. I was also blocked from social media accounts on which he did professional business. For several months, I was revoked access to information critical to my job as a local elected official in House District 47 and as a policy professional. To avoid retraumatizing myself and experiencing additional invasions of privacy and surveillance from my abuser, I disengaged with my online community and rarely used technology in the middle of an already isolating pandemic.

Unfortunately, the online harassment and slander have continued. In a social media post uploaded just days ago, the Representative publicized multiple pieces of inaccurate and identifying information about me. This post was retraumatizing and retaliatory, causing me to once again fear additional backlash and potential naming. This has impacted my ability to safely and effectively move my organizations' bills through this legislative session. The #metoo and #blacklivesmatter movements are additional examples of how prevalent issues of harassment, abuse, and racism are—and also how embedded social media and digital communities are today—tools that I was prevented from engaging with and feeling safe to use.

I'd like to see a future where women are able to feel safe engaging their legislators, or even serving in elected office, and where we aren't abused. I'd like to see a future in which it is part of dominant culture that women are believed and perpetrators are held accountable, and in which restorative justice is a process that is widely understood and utilized, instead of thrown around without definition, or to deflect from accountability.

The investigators Sarah Ryan and Kira Johal have been thorough, compassionate, and transparent from day one. I especially appreciated their swift action in their investigation into my hacking and surveillance, as these incidences impacted my ability to feel safe and conduct business. I've also been met with kindness and ongoing support for the past nine months from Legislative Equity Officer Sandmeyer, which was much longer than any of us anticipated. While there are, of course, improvements that can and should be made to the process, Representative Hernandez must still be held accountable.

If Representative Hernandez's behavior is disregarded, the legislature is minimizing the laws of this state and the seriousness of abuse. Particularly as it affects Black, Indigenous, and other women of color. You would be sending the message to Oregon's Latinx community that machismo and violence against women is OK and met without consequence or accountability. Our Latinx community is watching and waiting to see if our state can hold this person accountable.

If this report, testimony, documentation and evidence, including Representative Hernandez's own admissions, are not enough to meet the threshold of what the committee needs to remove Representative Hernandez, then what is?

In unity with other women testifying in these hearings, I urge the committee to:

- 1.** Expel Rep. Hernandez;
- 2.** Preserve the livelihoods of his staff;
- 3.** Initiate a comprehensive survey of the conduct of all members of the House in relation to Rule 27, and
- 4.** Incorporate any learnings from this investigation into continued process improvements.

Thank you, Co Chairs and Representatives Fahey and Noble, and members of the committee for the opportunity to testify here this evening.

"Subject Two"