

Enrolled

Senate Concurrent Resolution 22

Sponsored by Senator FREDERICK; Senator MANNING JR, Representative MEEK

Whereas the people of Oregon and of this nation have begun to address past issues of discrimination and are attempting racial reconciliation; and

Whereas the history of this state includes many dark chapters of egregious racial discrimination; and

Whereas racial reconciliation cannot occur without public acknowledgement of past discriminatory, unfair and unlawful treatment of those who came to Oregon and who made Oregon their home and yet who faced adversity and challenges on account of their race from the moment they arrived in this state; and

Whereas one such individual is Robert R. Parker, Jr.; and

Whereas Robert Parker is an African American man born in 1955 in Flint, Michigan; and

Whereas Robert Parker had a hardscrabble childhood that veered into experiencing severe poverty following his father's death when Robert Parker was 13; and

Whereas Robert Parker's teenage years were turbulent, including dropping out of high school and being committed to reform schools; and

Whereas through perseverance and determination, Robert Parker turned his life around, obtaining his GED certificate, attending community college and then attending the University of Michigan; and

Whereas Robert Parker continued his string of academic successes by attending and graduating from North Carolina Central University School of Law; and

Whereas following law school graduation, Robert Parker worked for an insurance company and for a prosecutor in the midwest and south before following countless others to the west coast; and

Whereas in 1987, Robert Parker accepted a job offer from Senator Jim Hill to serve as the committee administrator of the Senate Business, Housing and Finance Committee, of which Senator Hill was the chair; and

Whereas Robert Parker took and passed the bar examination for admission to the Oregon State Bar; and

Whereas Robert Parker had a vision for creating a first-in-the-nation property and casualty insurance company to provide insurance services to the African-American community nationwide; and

Whereas many who come to Oregon and rapidly obtain professional employment, successful professional test results and a business plan to fill a needed niche find this to be a recipe for success, that success was withheld from Robert Parker because of the specter of racism and discrimination; and

Whereas opponents of major legislation before the committee (Senate Bill 664 (1987)) sought to derail enactment or implementation of the legislation by making allegations that Robert Parker was using his committee administrator position unethically and illegally; and

Whereas these allegations lacked credibility but were made to a receptive audience, including Senate leadership; and

Whereas without legal authority, Senate leadership caused the Oregon Department of Justice to investigate Robert Parker; and

Whereas the Department of Justice investigation and an additional investigation undertaken by a county district attorney failed to yield evidence of an indictable offense, and the district attorney's

presentation to a grand jury on three separate occasions failed to result in any indictment of Robert Parker; and

Whereas a letter the district attorney wrote to the Oregon Government Ethics Commission caused the commission to undertake its own investigation into Robert Parker, even though the district attorney expressly acknowledged in his letter that it was not a complaint; and

Whereas the absence of a complaint or motion left the commission without proper jurisdiction to undertake an investigation of Robert Parker, but the commission investigation went forward anyway; and

Whereas the investigation report contained references on Robert Parker's race and Muslim faith and contained references to interracial dating, all being racially charged extraneous material not common to such reports; and

Whereas the central findings of the investigation were based on wholly circumstantial evidence; and

Whereas Robert Parker appealed the commission's order on grounds of absence of jurisdiction and on the merits, but both the Oregon Court of Appeals and the Oregon Supreme Court affirmed the commission's order without written opinion; and

Whereas Robert Parker ultimately prevailed and obtained a final order from the commission vacating the initial commission order, but Robert Parker was unable to have the Court of Appeals and Supreme Court judgments vacated even though there no longer existed a valid agency order on which an appellate judgment could be based; and

Whereas Robert Parker took and passed the bar exam in 1990, but unbeknownst to Robert Parker, prominent members of the legal profession and public officials were unable to set aside the racial bias and exclusionary orientation that had, by 1989, limited membership in the Oregon State Bar by African Americans to a mere 48 individuals; and

Whereas the Board of Bar Examiners undertook an extensive multiyear investigation to determine whether Robert Parker possessed the requisite moral character and fitness to practice law in Oregon; and

Whereas many who participated in the bar investigation had themselves participated in prior investigations, been named as defendants in proceedings brought by Robert Parker challenging investigation findings or had business relationships or affiliations with others who had so participated or been named as defendants; and

Whereas the Board of Bar Examiners voted 10-3 to recommend that Robert Parker be denied admission to the bar on character and fitness grounds and the Oregon Supreme Court duly adopted the board's recommendations; and

Whereas the record the board based its decision on was replete with unproven assertions of ethical and criminal misconduct, including the flawed Oregon Government Ethics Commission findings that were without jurisdiction, that contained pervasive institutional bias and that were ultimately vacated; and

Whereas the Oregon Supreme Court has original jurisdiction and inherent power to regulate the practice of law, including the power to admit or deny admission to those seeking to practice law; and

Whereas principles of basic jurisprudence provide that a decision of a court serves as precedential authority that governs a similar case or similar question of law that arises later; and

Whereas the Oregon Supreme Court routinely applies precedent in arriving at decisions but failed to apply precedent in determining to deny Robert Parker's application for admission to the bar on character and fitness grounds; and

Whereas the improper and unjustifiable decision of the Supreme Court to deny Robert Parker admission to the bar has prevented Robert Parker from practicing law for the past 31 years; and

Whereas each and every allegation or assertion made against Robert Parker has ultimately been determined to be unfounded, or has been dismissed or vacated, and yet Robert Parker to this day suffers from the impacts of these unfounded, dismissed or vacated allegations and assertions that are grounded in discrimination and racism; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Eighty-first Legislative Assembly, find that Robert Parker has engaged in no wrongdoing or unethical conduct; and be it further

Resolved, That we issue to Robert Parker an official apology of the Legislative Assembly for 31 years of damage wrongfully done to Robert Parker; and be it further

Resolved, That we respectfully request the Oregon Court of Appeals and the Oregon Supreme Court to vacate their decisions affirming the initial order of the Oregon Government Ethics Commission, in light of the commission's final order vacating the commission's initial determination; and be it further

Resolved, That we respectfully request the Oregon Supreme Court to exercise its original jurisdiction and inherent authority to regulate the practice of law so as to vacate the court's initial decision and order Robert Parker's admission to the Oregon State Bar.

Adopted by Senate May 24, 2021

Lori L. Brocker, Secretary of Senate

Peter Courtney, President of Senate

Adopted by House June 16, 2021

Tina Kotek, Speaker of House